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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God our Father, all Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty, and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout our history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### SCHEDULE

Mr. REID. Mr. President, we will resume consideration of the education bill. Senators KENNEDY and GREGG will be the managers of the bill. First thing

this morning we will consider Senator GREGG's amendment regarding vouchers. There is an agreed-upon 4 hours. The Senate will recess from 12:30 to 2:15 for the weekly party conferences. We expect to vote in relation to the Gregg amendment at approximately 3:15. On the disposition of the Gregg amendment, the Senate will consider the Carper amendment regarding public school choice under a 2-hour time agreement. We expect additional rollcall votes tonight and during the week.

I spoke to the majority leader a minute ago and he wants us to work tonight late. Everyone should understand this bill will be finished this week. It doesn't matter what the people do to try to slow things down. We hope that is not the case. We will work until this bill is completed, whether it is Thursday, Friday, Saturday, Sunday. If necessary, we will go through the weekend. This bill will be completed. This is the eighth week we have been on this bill.

I ask that the time on the Gregg amendment start right now.

### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing

school resource officers who operate in and around elementary and secondary schools.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Dodd/Biden further modified amendment No. 459 (to amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand the proponent of the amendment, Senator GREGG, will be here momentarily. I back up what our leaders have stated. We are interested in the completion of this legislation. We have been making progress in the disposition of amendments, but we have a

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number of our colleagues who have said they are not ready to call up their amendments. That might have been a reasonable comment a week ago or 4 weeks ago or 5 weeks ago, but it certainly is not now. We are going to move ahead. Regrettably, there are ways we can ultimately dispose of these amendments if we are put in that position.

What is completely unacceptable and completely unfair to our colleagues is the failure to bring these amendments up and to indicate to the floor managers a willingness to work through these amendments.

We are glad to have the votes when the votes are due. We are glad to debate amendments, discuss them, and accept them when we can. We are glad to cooperate in every way. We have received the strong direction from our leader saying we want disposition. This bill has been before the Senate for 8 weeks. Members have had an opportunity to study it, to read about it, to think about it, and work with their staffs. There is no further reason for delay. We will make every effort to dispose of the amendments in a timely way. We are prepared to work long and hard on these measures. We intend to accept the leader's challenge and complete the work this week.

I suggest the absence of a quorum, with the time to be charged to the proponent of the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the time that has been running against the amendment be charged equally against both sides. I am going to suggest the absence of a quorum and request the time be charged equally.

The PRESIDENT pro tempore. Is there objection?

There being no objection, that will be the order.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I thank the Chair.

AMENDMENT NO. 536

The PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire, Mr. GREGG, is recognized to offer amendment No. 536, on which there will be 4 hours for debate.

Mr. GREGG. I ask that the clerk report my amendment.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. HUTCHINSON, proposes an amendment numbered 536.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment printed in the RECORD of May 9, 2001, under "Amendments Submitted".)

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has popularly been referred to as the choice amendment or the portability amendment. It is an amendment which is crucial to the issue of how we are going to approach education as we proceed as a nation. It is crucial for a lot of different reasons, but primarily it deals with a group of people in our country who have been left behind in our educational system. It doesn't deal with the wealthy. It doesn't deal with those of moderate income. It really deals with low-income people, most of them in urban schools, who find the school systems their children are put into are failing and that their children are being left behind.

The American dream, which is the essence of what makes our country such a vibrant nation, is tied to the ability to be an educated individual. You cannot participate in the American dream unless you are well educated, unless you can compete and participate in our society, and that requires a quality education.

So when you go through a school which does not teach, which is filled with violence or filled with drugs, when you know every day a child who goes to that school is falling further and further behind his or her peers in other schools because that school is not able to teach that child, then that child cannot participate in the American dream—you are denying that child the opportunity to participate in the American dream.

There are many attempts in this bill to correct the problem. There are many initiatives in this bill to try to make failing schools work better. Regrettably, they are not going to all work. There will continue to be schools that fail.

Today, in our system of education, literally thousands of schools across this country are defined as failing schools, and that means that thousands, tens of thousands, potentially millions of children, unfortunately, are in schools that are not educating them adequately.

So one option that should be given to the parents of those children is to allow them, after their children have been in a failing school for a period of time and the school has not improved even though attempts have been made to improve it—to allow those children,

and the parents of those children, to have other options, to go to schools where they will be able to learn, where they will be able to succeed, and where they will, therefore, be able to take advantage of the American dream.

This bill, hopefully, will include an expansion of what is known as public school choice. But there are a lot of communities in this country, regrettably, that have no public schools that are not failing to which kids can move. Therefore, the option of going to some other type of school, a private school, should be available to them.

In our society, if you have a fairly decent income, you can leave the public school system and go to a private school. A lot of people who have the income to accomplish it choose that option. The former President of the United States, for example, chose that option. But if you are a single mother, especially a single mother in an urban area, trying to raise your children on a low income, you do not have that option; you are stuck in that failing school. Your children are sentenced to that school even though the school is unable to accomplish what it is supposed to do, which is to teach your children.

This amendment is not going to fully address the issue. I wish it would, but it is not. This amendment is going to set up a demonstration program, and a very limited demonstration program, the purpose of which is to see if private school choice using Federal dollars can alleviate the problem to some degree, can allow some children today, who are not in schools that are teaching them, to go to schools that will teach them; to allow some children to have a chance at the American dream who do not have it today. Private school choice is used in a lot of public systems.

Remember, when you are talking private school choice, it sounds as if you are saying the public schools are left out of the process. In the public system, they use private school choices. Today, in the public system, the elected officials are responsible. They make the decision that children in the school system should have a choice between a public and private system. It is used in a lot of different communities. It is used in Milwaukee. It is used in Cleveland. It is used in Florida. It is used to some degree in Arizona.

The difficulty, of course, behind this is that these States and these communities have come to the conclusion that they will improve their public school system by allowing some of the children in their public school systems to have the option of going to a private school if the public school isn't working well.

This demonstration program is an attempt to follow the leadership that has been shown already by a lot of other public school districts across this country who have chosen to put in place a private school option as part of their public school education system, as I

said, in a very limited proposal. In fact, I intend to modify it to make it even more limited as we go down the road. But, essentially, under the present structure, it will only be voluntary, and it will only apply to families who make less than \$32,000 a year. This is not going to be a high-income option. It will only apply to families who make less than \$32,000 a year and whose children are in school systems where the school has failed for 3 years. That means by definition that child, if he or she is in the third grade, is already probably 3 years behind their peers in the school system that is working correctly.

It will also be limited as to the number of groups that can participate to three States in ten school districts.

It is a very small demonstration program. It will be limited to \$50 million, funds which come from outside the title I program.

It cannot be argued that the dollars to fund this demonstration program are in any way undermining the dollars available to the public school system. This will be a new pool of money available to fund the child who moves on to a private system because the school system isn't working correctly.

It will also have as a component that special consideration must be given for applications of students coming from the highest number of low-income families. It will really focus on those families who need it the most, who, in my opinion, happen to be in primary instances single moms trying to raise their kids mostly in inner-city schools.

Since the purpose of this amendment is a demonstration grant and a small one at that, it will have an extremely aggressive evaluation procedure so that we can find out whether or not private school choice under a public school system works.

Parents in our urban schools have been waiting for this type of reform for a long time. There has been a lot of rhetoric about it. About every 2 years, the superintendent of the District of Columbia school system changes. While the system of the superintendent changes, the school systems regrettably don't. We continue to see failure.

Today we have 9,000 schools across this country which are identified as failures—9,000 schools. Some have been identified as failures for 4 years, for 6 years, and for 8 years.

It is not unheard of, for example, for an entire public school district to be identified as failing. That is the case, for example, in Kansas City. Clearly the parents there have no option. They cannot go from one public school to another public school because all of the public schools in the districts have failed.

As a result of this failure, we have seen especially a debilitating impact on minority kids. We know, for example, that today two out of every three African-American students and Hispanic students in fourth grade can barely read. Seventy percent of the

children in high-poverty schools score below even the most basic levels of reading, and half the students from urban school districts fail to graduate on time if they graduate at all.

We need to give the parents of these children an additional option.

There is, I believe, great interest in this. You don't have to believe me. You don't have to take this as just a vague statement because there have been exercises in this area that have shown this, especially from low-income families.

The Children's Scholarship Fund, which was founded by Ted Forstmann and John Walton, created a private foundation to provide scholarships to low-income children who wanted the opportunity to go out of the public school system into a private school system. They received 1.25 million applications from poor families across the country. Unfortunately, they could only give out 40,000 scholarships. But in New York City, 29 percent of the poor families of school-age children applied. In the District of Columbia, 33 percent of families of poor children applied. In Baltimore, 44 percent of poor families with school-aged children applied.

Joseph Califano, in commenting on this, said:

These parents sent a powerful message. They want out of schools that cannot protect their children's safety, let alone teach them. This tidal wave of applications from parents desperate to give their children an opportunity to receive a quality education must serve as a wake-up call . . . By quarantining poor—

That is probably the best way to describe it because that is what we do in our society—

mostly minority children in schools affluent families would never tolerate, we do not preserve the institution of public education. We dishonor its guiding ideals.

Alveda King, the niece of Martin Luther King, in commenting on this, said:

. . . some children receive a better education than others due to their parents' abilities to pay for benefits that are often missing in public schools. This inequity is a violation of the civil right of the parents and children who are so afflicted by lack of income and by the mismanagement endemic to so many of the country's public school systems.

Some would say if you take this option, you are going to undermine the public system because you are going to take kids out of the public system and put them into a private system. Of course, we really do not know what will happen because we have never tried it at the Federal level. But we do have examples of what has happened in public school systems in other communities that have tried to put in their State and local dollars.

We know, for example, that in places such as Charlotte and Milwaukee the public school systems have been perceived, at least by the local community, as improving significantly as a result of a private school choice.

A study, in fact, which was done by Harvard economist Caroline Hoxby, found the Milwaukee private school

choice program pushed the city's public elementary schools to improve.

Quoting from the leadership in the Milwaukee public school system, Kenneth Johnson, vice president of the Milwaukee public school board of directors and an AFL-CIO member, said:

Private school choice is one of the best things that ever happened to my city's public schools. . . . When choice came about, the Milwaukee Public School System had to rethink education. It's now a matter of seeing parents as customers.

Milwaukee public school superintendent Spence Korte said:

Between choice and the general decline of live births, we're all feeling the pinch to make sure that people understand what our programs offer and, certainly that we're competitive.

In other words, the school systems are improving as a result of choice.

John Gardiner, an at-large member of the Milwaukee public school board of directors and a member of the NAACP and the ACLU, stated the following about the effects of choice on public schools in Milwaukee:

My involvement in the MPS—as a member of the school board, as a parent and as an active and concerned citizen—has persuaded me that MPS's internal reforms require the sustained challenge and competition of the Milwaukee Parental Choice Program. The program puts effective pressure on MPS to expand, accelerate and improve reforms long deliberated and too-long postponed.

The simple fact is, we have seen in Milwaukee, which has tried public school/private school choice options aggressively, a significant improvement in the school system and a significant improvement in the quality of the education of the students, which is the basic goal.

In Florida the same situation can be cited. Florida has a statewide choice program where they rate the schools; and if you are in a school that is rated D or F, you have the opportunity to choose a private school option.

The Urban League of Miami found that the Florida voucher plan instilled in public schools a sense of urgency and zeal for reform not seen in the past, when a school's failure was rewarded only with more money that reinforced failure.

It is fairly obvious, I believe, first through just looking at the situation and in reviewing it, and from intuition, that if you create competition you usually improve a product.

The reason somebody chooses McDonald's over Burger King is because they think the product is better at one or the other. Regrettably, our public school systems have not ever had the competition necessary to improve the product.

The purpose of choice, of course, is not to undermine the public school system; it is just the opposite. It is to create an incentive for reform in the public school system which improves those systems. That is exactly what has been seen to happen in those areas of our country where choice has been given a reasonable opportunity to be tested, specifically in Milwaukee and Florida.

What about student achievement, which, of course, is the bottom line? The goal is to take these kids who have been locked in a failing school, who are reading at two or three grade levels behind their peers, who are not graduating, who, therefore, cannot participate in the American dream, and give them an opportunity.

Every major evaluation of school choice effectiveness has found significant academic gains for the students participating in those programs. Test scores in Milwaukee, Dayton, and Charlotte have all been reviewed by scholars from Harvard, Princeton, Stanford, Georgetown, and the University of Texas. In all those communities it has been determined that the kids who have been able to participate in the private school option have had their test scores go up. These, in all instances, have been kids from low-income families, urban poor in most instances, who before they had this option were left out of the American dream.

We have spent \$120 billion in the last 35 years on title I, directed at trying to help low-income kids. The result of those expenditures has been that low-income kids are reading two grade levels below their peers and are graduating from high school at half the rate of their peers. There has been absolutely no academic improvement in those kids over this 35-year period. In the last 10 years, when we spent the most amount of money, the academic improvement also has not increased at all.

There has been \$120 billion spent to try to help kids who have come from low-income families, and we have left them behind. It is a disgrace. We have locked these children in schools where they cannot learn because there is violence, because there are drugs, and because the school system simply will not respond to the needs of those children.

What I am suggesting in this amendment is a small step—a two-tenths of 1 percent step compared to what we spend in the rest of title I in this bill—to be applied to a demonstration—\$50 million—to see if we can determine whether or not the option of giving children a private school choice is going to improve their academic achievement. It is hardly a big expense in the context of what we have done, but if you look at it in the context of what the results have been in communities such as Milwaukee and Dayton and Charlotte and the State of Florida, the returns may be overwhelming.

This could be the best investment we make in this entire bill in terms of giving kids an opportunity to learn and participate in the American dream.

Are parents satisfied with this option? If you look at the States and the communities that have used this approach, parents are extraordinarily satisfied.

In Charlotte, nearly twice as many choice parents gave their children's

school an A rating as did those parents whose kids went to public schools.

In Milwaukee, 72 percent of the parents with kids going to private schools gave their kids' school an A rating as compared to 16 percent for the public schools.

So the impact is significant. The parents see it and, most importantly, the children see it in their better chance to participate in America.

One of those images that stands out from when I was a kid watching TV—and I do not even remember the Governor's full name; I guess it was Faubus, from Arkansas—I remember the National Guard going up to the school. I must have been in the first grade or so or maybe I was in the third grade. The National Guard went up to the school door, and this elected official, who was the Governor of the State, was standing in the school door saying he was not going to let this child, who seemed to be a little bit older than me, about the age of my brother—I think it was a girl—in the school. I could not understand it. Of course, we learned this was wrong. And we changed our Nation because of it.

Today what we have are people standing in that school door not letting kids out, locking them in those schools which are not teaching them. And why? Why are they doing that? Because the bureaucracy and the labor unions fear the option of giving parents a choice. It is that simple.

This is not about education. This is about the power of political groups to influence the process. When you have lost generation after generation of kids to schools that are failing, when you have 9,000 schools in this country that are designated as failing, and those schools have failed for 4 and 5 and 6 and 8 years, and you know that every child who goes through that school is not going to have a chance to participate in the American dream, Miss King is right, a civil right is being denied—absolutely being denied to those children—simply because they do not have the wherewithal to get out of that school and get a decent education.

In this bill we attempt to improve those schools that have failed. We make a huge commitment in that area. But we know we are not going to be successful everywhere. We know that. We know that in some urban areas the schools simply are not going to cut it, and the kids who go to those schools are going to be left behind.

We have an obligation, I believe, to at least find out whether or not there isn't a better way, to first give that child an option to get a decent education and, second, to put real pressure on that public school system to improve.

We have seen it work in Milwaukee. We have seen it work in Charlotte. We have seen it work in Florida. And for a small amount of \$50 million, we can see whether it can work here with the Federal Government, targeted solely on the child who comes from a low-income

family and who is stuck in a school that has failed for 3 consistent years.

I can't see how this amendment can be opposed, other than on the grounds that it affronts the power politics of Washington, DC, which are structured around bureaucracies and labor unions that will at all costs defend their turf, even if that cost involves a child's education.

Mr. President, I yield to the Senator from Arkansas such time as he may consume.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I thank the Senator from New Hampshire, Mr. GREGG, for his leadership on this issue. He has outlined not only what this amendment is but what it would do and why it is so important.

It would enable 10 interested cities, 3 interested States, to provide low-income parents with the option to send their children to the public or private school of their choice. The Secretary of Education would award grant money to these interested cities and States based on their application.

Under the amendment, special consideration would be given to applications which sought to serve the highest number of children from low-income families and that provided parents with a diverse range of schools from which to choose. No money would be taken away from public schools for this program. Whether it is title I or IDEA, there would be a hold harmless. Nobody would be reduced. A pool of money of \$50 million would be established in fiscal year 2002 to be used for this new program.

Only children who are eligible for free and reduced-price lunch, children from families at 185 percent of poverty or below, and who attend a school that has been identified as failing for 3 successive years would be eligible to receive educational certificates for tuition under this amendment.

There is also a strong evaluation component to this program. It requires the Secretary of Education to contract with an independent evaluating entity to conduct an ongoing evaluation of the program. For all the doubters out there, we would at least be able to provide the data, to provide the evidence one way or another on whether choice really benefits students and parents and, in fact, improves public schools.

The Center on Education Policy, an independent advocate for public schools, states in their report entitled "School Vouchers: What We Know and Don't Know and How We Could Learn More," evaluation requirements are important to any public policy on school choice.

This little pittance of \$50 million for the entire Nation could provide us the kind of database we need, the kind of evidence, the kind of analysis to allow public policymakers of the future to know. Senator GREGG and I may have the confidence—we may believe the

evidence is there—but this demonstration program will provide the kind of evidence needed to convince policymakers, both at the State and Federal level, of the value of a choice program.

The idea of school choice is not at all new. It has been around for years. We currently have three high-profile school choice programs in Milwaukee, Cleveland, and Florida. There are a number of others around the country. They offer a money-back guarantee to parents of children in failing schools.

Taxpayers deserve to get results from funding that goes to public schools. After 35 years and \$120 billion in Federal funding, it is time we hold schools accountable for enabling our children to reach high standards.

In my own thinking, as I have cosponsored this amendment and thought about the issue of what is the legitimate role of the Federal Government, do we have a role, I believe it must be very limited. I do believe, however, that a demonstration program that targets only low-income students—and that has been the basis upon which the Federal Government has involved itself in a domain that has been historically left to State and local entities; we have said the Federal Government has a responsibility for disadvantaged students in trying to narrow the learning gap between advantaged and disadvantaged students—fits the proper Federal role. This amendment targets directly those who are disadvantaged. Only low-income students from low-income families would be able to access these education certificates.

In my own mind, I have outlined five reasons I believe this amendment should be passed. No. 1, it is totally voluntary and permissive. We are talking about 10 cities in 3 States. No one would be forced. There would be no compulsion. I know some of my colleagues from Western States do not support the idea of choice. They don't see that as advantageous in their particular situation. I understand that. I ask them—not for what it might do for their rural States in which there are few choices and in which schools are widely diverse and separated by many miles—to think, as they vote on the amendment, not about their States, because it will not affect them, but about those children trapped in failing schools in the inner cities of our country, to think about inner-city Philadelphia or inner-city Washington, DC, or Atlanta or Houston where the Secretary of Education understands the value of this kind of a program and has endorsed this very concept.

No one would be forced to be involved. There is no compulsion. There would be an independent entity to evaluate and determine whether or not this was a worthwhile approach.

A report prepared by the National Research Council and commissioned by the Clinton administration recommends that Government conduct “a large and ambitious research experiment to determine whether school

choice programs improve student performance.” That was the recommendation of a study commissioned by the Clinton administration, issued in 1999, that said this is exactly the kind of large-scale experiment—if you can call \$50 million nationwide large scale—to give us the answers to the questions posed concerning the value of a choice program.

I believe choice opponents, those who oppose the idea of allowing parents this kind of choice, should support this amendment. If in fact they are right, this will give them the data to put the stake, finally, in the idea of choice programs.

It is totally voluntary. It is entirely permissive. I hope my colleagues who have reservations about choice will support this amendment, realizing that no school district and no State would be required to participate. It is entirely permissive. Only those who are interested, only those who, on their own volition, decide they want to experiment, they want to try, they want to be a part of this demonstration program, will even be affected.

No. 2, I ask my colleagues to support this amendment because in fact it does target and benefit those for whom we have our greatest concern—low-income families. It would only be failing schools, those who have failed year after year after year. The certificates would only be for children who are eligible for free and reduced lunch.

We have a form of choice in this country right now. The choice, though, is limited to your ability to move to a new neighborhood. I am told that in Dallas, TX, there are about 158 local schools. Affluent families are limited in their choice of what elementary school to go to only by their ability to buy a home in that particular neighborhood.

Those who have the means to relocate—and it happens here in the Washington, DC, area. When people think about buying a home or a townhouse, they will investigate the neighborhood, the schools, the crime rate, and they will check out where the best schools are, which schools have the best teachers, which schools produce the best academic product. They will make their determination of where they want to locate, buy their townhouse, or build their home based upon the quality of the schools. They have their choice.

But those who have no choice are those who are trapped by a limited income and limited resources and cannot make the decision that their more affluent neighbors can make to move to a better neighborhood. Those low-income families are trapped. They have no choice.

My friends, we have a choice program in this country. The choice is whether we want to extend those choices to those today who are left out, who don't have the resources. This amendment targets only those who are in the title I category, those who are low income.

In August of 2000, Dr. Jay Greene issued a report entitled “The Effective School Choice and Evaluation of the Charlotte Children Scholarship Fund.” He released the results of that study on the Charlotte scholarship program. Among the study's findings, he found that school choice improved scores, pleased parents, provided a safer environment, reduced racial conflict, operated with less money, and offered smaller class sizes and helped low-income parents.

In early 2000, John Witt, a professor of the University of Wisconsin, Milwaukee, the official evaluator of the Milwaukee school choice program, released the results of that latest study. His prior reports, which often had been critical of the Milwaukee choice program and basically concluded they didn't work, most recently changed his conclusions and said the market approach to education and analysis of America's voucher program said that “choice is a useful tool to aid low-income families.”

That is the reason I ask my colleagues to join in supporting this amendment because it is targeting only the most disadvantaged. The argument so often raised against vouchers is this is only going to benefit higher income people making the choice to go to private schools and this is going to make it easier for them to flee the public schools for the private schools. You cannot make that case under this amendment. It targets and it is limited only to failing schools and low-income families.

Low-income academic improvement has been undisputed in the choice programs in this country. In August of 2000, Harvard University professor Paul Peterson and his colleagues released the results of a study of a privately funded voucher program in New York, in Dayton, OH, and in the District of Columbia. They found that African-American children who used vouchers to attend private schools made significant academic improvements. Black students in their second year at a private school had improved their test scores by 6.3 percentile points—a striking advance at a time when schools around the country were showing an inability to close the achievement gap between white and African-American students.

If we are really concerned, as we insist we are, in increasing title I funding because of our concern about disadvantaged students, everyone who says that should support this amendment because it can only benefit those who are least advantaged today.

Another piece of evidence is that test scores of low-income children are consistently improving when they are placed in schools with middle-income children. For example, a congressionally mandated 4-year study of about 27,000 title I students found that poor students who attended middle-class schools performed significantly better than those who attended schools where

at least half the children were eligible for subsidized lunch. The contrast was even greater with schools in which more than 75 percent of students lived in low-income households. I think that is very compelling; that this kind of a demonstration program, this kind of a choice opportunity is going to be particularly beneficial academically for low-income, disadvantaged students who now would be able to be shoulder to shoulder in a school that had higher income students—what we call middle and upper middle class students. The evidence is that when put in that classroom context, academic scores go up. I ask my colleagues to support this amendment because, in fact, it targets and benefits the most needy—low-income students.

Thirdly, it takes absolutely nothing from the public schools. No State will lose money. Not a State in this country would see their portion of Federal funding reduced because of this amendment. There would be no title I reductions; there would be no IDEA impact. All of the kinds of traditional arguments we hear against choice programs are taken off the table by this amendment. No school would lose money; no public school would be hurt. It would merely provide an opportunity—a small opportunity indeed—for \$50 million statewide, 3 States, 10 cities—but it would begin to give us the evidence we need, and it would give hope to a few who would be able to participate in this demonstration program.

It answers the main concern that opponents have raised, and that is that it is taking money away from public schools. It will not do that. I think that is evidenced by the fact the Washington Post endorsed the Gregg amendment. Everybody—all my colleagues—has on their desk a copy of that endorsement. Their concern has been that these kinds of choice programs are going to take money away from the public schools or they are going to only benefit higher income people. This amendment addresses both of those concerns. That is why the Washington Post has endorsed this amendment, because it targets the low income and will have no negative impact on public schools.

Fourthly, I ask Senators to support this amendment because this whole concept is, in fact, immensely popular. It is supported by the vast majority of the American people—this kind of idea to give parents more choices and more opportunities.

For example, a congressionally mandated 4-year study of about 27,000 title I students—I made reference to that, but they showed great academic improvement. The popularity of this program is becoming increasingly beyond dispute.

In March 2001, the National Education Association released their findings from a recent survey in which a clear majority of the American people supported the President's proposal to allow parents of children in chronically

failing schools to use public dollars to send their children to a public, private, or charter school of choice. In fact, 63 percent favored giving them tuition vouchers worth \$1,500 a year, as the President originally proposed.

Frankly, I wish we had done what the President campaigned on and what he proposed doing, in taking part of that title I money, the Federal dollars, for low-income children, and in chronically failing schools that failed in 3 successive years, giving them the opportunity to take that money and use it in private schools, with tutors. That has been watered down, diluted, and basically removed. All that remains is supplemental services, not a voucher at all. I wish we had done that. The American people supported that. But we didn't and we are where we are. This is our opportunity to at least give it a try. It is supported and is very popular.

Senator GREGG cited the statistics during his opening comments that last year the Children's Scholarship Foundation, a private scholarship fund, offered 40,000 scholarships nationwide and had one and a quarter million applicants. Maybe that is the best evidence of the popularity of this approach. Those one and a quarter million applications were in spite of the fact that applicants had to match the scholarship with \$1,000 of their own money. Low-income, poor families were willing to put up \$1,000 in order to be able to participate, to have the choice that wealthier, higher income people have every day.

This is a popular concept. It is something we as a Senate, we as a Congress, should give a trial opportunity—or fail. We should not buckle under to the teachers unions and those who are wedded to the status quo. If we are concerned about leaving no child behind, this is an amendment that ought to get overwhelming support in the Senate.

I ask my colleagues to support this amendment because it fosters competition and innovation. I believe competition between private schools and public schools benefits all children in this country.

I have often used the analogy of our higher education in this country. We have, indisputably, the best higher educational system in the world. Travel the world; we find leaders in most of the countries of this world who have received part of their higher education in the United States. Foreign students flock to this country to receive the best in higher education. How did we achieve that? We created a system of Pell grants. One can take that Pell grant and go anywhere, any accredited institution: public, private, parochial or otherwise. That competition has enhanced the quality and the academic standing of all of our institutions of higher learning. It has fostered innovation and made our colleges and universities world class by all standards.

Then we look at elementary, look at high school, and see between 4th grade

and 12th grade this steep decline in our competitiveness with other nations. The difference is, in higher education, there is choice; in elementary and secondary, there is no choice unless you are wealthy enough to take advantage, unless you have the resources. Then you have choice.

Why should we not give low-income parents the same opportunity, the same choices, the same chance to give their children the opportunity to live the American dream that their more affluent neighbors have? That is the heart, that is the crux of the Gregg amendment.

I believe, as we have seen in Milwaukee, public schools will improve and academic achievement for all students will improve. It is one of the interesting things about the Jay Greene study on the Florida A+ program. It was not just the students who were beneficiaries but the public school institutions that are the winners. He found when a public school failed for the second time and they began to have the threat that some of their students might depart and receive opportunity scholarships to go elsewhere hanging over them, suddenly those test scores began to increase. In fact, they increased twice as much as those test score achievements in other schools. So the schools of all stripes are the winners under a program such as this. That competition is healthy.

America today has, whether we admit it or not, a nationwide school choice system. It is a school choice system that is rationed, rationed educational opportunity, through the housing market—where you can afford to live. If you can afford to move out into the suburbs, if you can afford to go and pick your neighborhood where the good schools are, you have your choice.

We have a very class conscious choice system in this country. The Gregg amendment says shouldn't those who stand to gain the most, those who are the most disadvantaged, those who are in the lowest income homes, have some choices, too? They have been locked out of those choices. They have been trapped in failing schools. They don't have the opportunity to move away from their neighborhood. When given the chance, through private scholarships, limited as any are, the private scholarship students have taken those opportunities because they know what is at stake is the children's future.

That is why I ask my colleagues to consider this amendment—not just to write it off as a choice program that may or may not benefit your particular State, or to write it off and say, I have always said I oppose choice so I will vote against this without even examining what it does or who it targets, or to say, I don't want to take the heat I might receive from the National Education Association or other groups that are wedded to this system we have had for 35 years. If we believe our commitment and our responsibility as Federal



public policymakers is to help low-income, help disadvantaged kids, then look at this amendment.

I remind my colleagues again, it takes nothing away from the public schools. It does not diminish by one dime the resources they have. It targets only the low income.

Let's give it a chance. Look at the data: \$50 million, 3 States, 10 cities. Let's give the most needy in our society the same choice the most affluent already have.

Mr. GREGG. I thank the Senator for his excellent statement and yield to the Senator from Tennessee 5 minutes.

Mr. FRIST. Mr. President, I will be brief. I rise in support of the Gregg amendment. The amendment is locally initiated, limited in scope, and voluntary. It is a pilot program. It takes nothing away from other educational funds. It involves a rigorous evaluation to monitor whether the pilot program is successful.

The power of this amendment is in how it addresses the underlying premise of leaving no child behind, the premise that no child should be locked in a failing school, a school that fails year after year after year. It gives parents the right to do what is best for their own children, giving them opportunities, giving them alternatives if their children are locked in a failing school.

Imagine a married couple making \$30,000 a year. Their fourth grade daughter attends a school which fails to meet national standards. This school is failing to adequately educate their daughter. The parents know their daughter's future depends on the education she receives from the school she attends.

The daughter graduates to the fifth grade, and again, things do not seem quite right. At the end of the year, by national standards, they find, once again, this school their daughter is attending has failed and has not improved. Again, they know their daughter's future depends on the quality of the education she receives in reading, math, and science. She goes on to the sixth grade.

At the end of the sixth grade, she is not progressing. In fact, she may be one of the 30 or 40 percent of the students who are proficient at only a very basic educational level. These parents have sent their daughter to a school which has failed to adequately educate her for 3 years. As things now stand, these parents have no choice to improve their daughter's education. She is trapped in a school that is failing.

They only make \$30,000. They watch, as some of their neighbors who earn a middle class or higher income leave the school district. Their neighbors have a choice because of their personal income. By moving, they say: we will not allow our children to continue in this failing school year after year after year because it destroys the opportunity for our children to experience the Amer-

ican dream we talked about this morning. But the parents of this daughter don't have that option. They can't afford to move. They only make \$25,000 or \$30,000. They have no choice. They are trapped. They are trapped.

This is the focus of the amendment at hand. For the first time, low income families—those who earn less than \$32,000 a year—will have the opportunity to choose. They will be able to remove their children from a school which has failed for one, two, three years and place them in another educational facility so their children have the opportunity to realize that American dream.

This is why I believe so strongly in this pilot program proposed in the amendment put forth by the Senator from New Hampshire. This amendment gives parents a right to do what is best for their child. We have too many failing schools today. Nine thousand schools in our country have been identified as failing, and many of those schools have failed for 4 years and 6 years and 8 years. These are the sorts of school districts we hope to give this voluntary opportunity, this choice, this option for parents to do what is best for their child.

There is broad support on this issue, as the Senator from Arkansas has pointed out. Parents, especially low-income parents, broadly support school choice. The Children's Scholarship Fund is a nonprofit private foundation which provides K-12 scholarships for low-income families. When they put out their call for applications, over 1.25 million applications from around the country came from poor families. Right here in the District of Columbia, 33 percent of the families eligible for those scholarships applied.

A recent poll conducted for the National Education Association found that 63 percent of Americans support choice for children who attend failing schools. Support for choice is highest within the African-American community.

This amendment is good for public schools. Again, as pointed out, competition is a factor that we know produces quality products and services in America today. In order to improve our public schools, competition must enter the educational equation. This is one step in the right direction.

Second, this amendment is locally initiated. The application must be made at the local level. Washington must not force choice on a local community. This amendment simply opens the door for those who wish to participate in this pilot project. It empowers State and local education authorities to initiate this program.

Lastly, it is limited in scope. To qualify, families must meet two criteria: Families must earn less than \$32,000 a year and must attend a school which has been failing for 3 years.

For these reasons, I urge support for and ultimately passage of this very important amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I thank the Senator from Tennessee.

I yield to the Senator from Alabama 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire for his leadership and dedication on this issue. He cares about children deeply. He cares about public education. He wants to see it more successful. This is not some sort of plan to weaken public education.

As I have listened to him discuss his vision for making sure children are not trapped in schools that are utterly failing and having their futures damaged, I have become convinced, as much as I believe in public education, that this is a project we ought to try. We ought to allow this opportunity for alternative ways, particularly in programs for low-income children in failing schools, and let's see how it works.

I think it is appropriate for the Federal Government to utilize money under these circumstances to help analyze, through very effective examination of these programs, whether or not they are working. If it is clearly a benefit, maybe we ought to do more. If it is not a benefit, maybe that will be the end of it.

I certainly think allowing 3 States that voluntarily choose to participate in this program, 10 cities that voluntarily choose to participate—not who are made to participate; it is their option if they would like to participate in this program—let's try it, but let's monitor it, let's watch it, let's see how it goes. I think we may find progress will be made.

We do know one thing for sure. There are nearly 9,000 schools in America that have been identified as failing, many of those for a number of years, some 4, 6, 8 years failing consistently. I think it is inconceivable—really immoral—not to take some steps to deal with that circumstance.

These children are falling behind in those schools. Those children have to be falling behind. They are not receiving the quality of education other children are receiving in succeeding schools. It is difficult for them. They come, many of them, from not an ideal home life, and then they are sent to a school system that is failing. No wonder they tend to have great difficulty.

What can we do for them? I was a U.S. attorney for a long time. A lot of people haven't thought about this very clearly, but the law requires them to go to that school. They do not have any choice whatsoever. If they live a few blocks over this way, they may be in a school that is quite successful, but because they are in this school district, they must, by law—all over America, that is the pattern—they must go to that school. They are ordered to go to that school. Many times they are being ordered year after year, week after

week, day after day, to go to a school that is not functioning and is not succeeding.

There is something wrong about that. I know people, as the Senator from Arkansas said, who check out the school district, and they have the money to decide where they want to live, and they move to a district where they are comfortable. People know the schools that are working and the ones that are not. I think we can do better.

This is a voluntary program for only 3 States if 3 States apply, 10 cities if 10 cities apply, to let them try these programs under a strict evaluation process. I believe it can be helpful for America.

The moneys that will support this will not in any way come from existing programs. It will provide new money but not a whole lot of money to make this occur. It requires families be poorer families, not people who have the money themselves to perhaps take advantage of choice. No title I money will be spent. Rather, an additional \$50 million will be made available to the handful of cities and States that choose to participate in this program. It provides additional resources to carry out this demonstration project that I believe will work.

The evaluation that will occur is going to be healthy. It is going to examine and measure student achievement in the alternative situation. It is going to measure parental involvement in education with parental involvement increased. It is going to evaluate the satisfaction of parents and all involved in the program. And it will evaluate the overall impact on the performance of the public school system. In other words, if it is damaging the public school system, we will find that out.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SESSIONS. I will just wrap up and say the Secretary of Education, Dr. Paige, tried it in Houston, a huge school system—I ask for 1 minute to wrap up—favors this idea.

Mr. KENNEDY. We have no objection.

Mr. GREGG. I yield the Senator 1 minute.

Mr. SESSIONS. He said in Houston it made them better. In the first year or two, they lost some students and people complained. He said: I supported it. If people could get a better education somewhere else, it was all right with me. I cared about those children. But—he said—do you know what happened? We improved our school system so much in Houston that as years went by they were coming from private schools to the public schools; the public schools grew at the expense of private schools because we got better. He said there is no way a private school can succeed and beat a public school in the long term, if it is run right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will yield myself 30 minutes. I would like to be reminded when I use 25.

H.L. Mencken said at one time that for every complex problem, there is a simple easy answer, and it is wrong. That is what we have here, a simple, easy answer to all the problems we are facing in our troubled schools across this country, and it is basically and fundamentally wrong; it does not work.

I will take the time to illustrate the flawed nature of this amendment, and those Members with further interest are welcome to contact our office, and we will provide a more detailed account of the state of education in each of the cities that host voucher programs. These programs have not worked. Vouchers do not work. Furthermore, this is not really a debate about true “choice” because, under this amendment, parents would not exercise a choice. Schools would exercise a choice.

It is not a parent, it is not a 30-year-old mother with a single child who makes a decision to go to a private school. That is malarkey. That does not exist. Under this amendment, the decision is made by the school.

I have listened to speeches time and time again state that approximately \$130 billion has been expended on title I, but we haven't seen increased academic achievement among the nation's students in need. Meanwhile, America spends nearly \$400 billion annually on elementary and secondary education. Those skeptical of increasing funding for education cite \$130 billion over 20 years or 30 years. The real reason we have poor schools and low student achievement is that we have not yet stepped up to the plate. Federal dollars provide only 7 cents of every dollar spent on education in this country. The remainder of the responsibility rests with States and local communities. It is the responsibility of States and local communities to provide local schools with the help that they need to succeed. We are trying to address this issue at the federal level, but cannot do it alone. I think we have a good bill that can make a difference if it is adequately funded.

With all respect to my colleagues, they have spoken about about leaving no children behind, yet they leave two-thirds of the children behind with the funding currently provided for Title I. In the past, we have shed crocodile tears all over the Senate floor about leaving children behind. They are already being left behind, and that is wrong. As the allocations of current funds demonstrate, and under the current budget proposed by the President, 3.7 million children will be provided funding. Under the Dodd-Collins amendment, we have proposed funding for 5.7 million children, building up to full funding. That amendment has now been accepted to this bill.

Along with an oratory on leaving no child behind, let's also ensure that we truly do not leave children behind.

Let's commit to securing the funds so that no children are left behind. And with that, we really need to dismiss this voucher argument. If we really are interested in no child being left behind, then let's make sure that we aren't going to leave them behind.

My friends and colleagues again provide the same talking points on failing schools. They are good talking points. But they are only good. They are not terribly good. We currently have approximately 10,000 schools. It would cost \$1.8 billion to turn these schools into high-performing schools. But are those funds in the budget? Are those funds requested by the President? No. If we are serious about turning those schools around, we know how to do it. It takes reforms and it takes investment. We are on the road to success with the reforms, but we have not yet seen the investment.

Supporters of this amendment also claim that the \$50 million to fund this program will not come from Title I. If not from Title I, then from where? This investment in vouchers has been portrayed as an investment that would not siphon funds in the federal budget away from education. Where in the world is this magic \$50 million coming from? I don't know where it is. It is out here. They keep referring to it. I think we ought to take that magical pot with a never-ending fountain, invest it, and try to do something that is going to make a difference; that is, address the problems of failing schools. That is what we ought to be doing. But that is not the proposal here. This \$50 million is, of course, money that could otherwise be spent in terms of helping and assisting schools. Under this amendment, schools in need of assistance would lose.

First of all, all of us understand the importance of the public school system and what a difference it has made in the hopes and dreams of families all over this country. I went to private school. I have a grandchild going to a public school, and nieces and nephews who go to public schools. Most of them are going to private schools. But I was able to go to a public school with good teachers. I was able to go to a school that had a curriculum that was a good curriculum. I was able to benefit from those.

We are trying to say let's try to do what we know works, and do that for children all over this country. We know what works in education. But vouchers don't. I will come to that. We know what works.

We have invested in what works—not completely the way I would like. But it isn't completely the way that I know my friend, Senator GREGG, would like, or that President Bush would like. It is a compromise. But it is one that we can defend, if it is funded and invested in, because we are going to make sure that we are going to get better trained teachers and have opportunities to have smaller class sizes. And there are going to be evaluations on that.



I don't know how many times I have listened to my friends and colleagues over here talk about why this is different. You know why this is different. It is because in the old days, we just provided the resources but we didn't have the accountability. In the old days, we provided funds to States to use to build swimming pools and purchase football uniforms. States did not target funds to the neediest children with block grants.

We will continue to provide funding for our neediest children, but we are going to have accountability. That is the President's proposal, and that is our proposal. He wants annual assessments in the third grade and the eighth grade. Those assessments will help States measure progress. If schools don't measure up with annual yearly progress, States will take action. They will provide the resources to reform schools, and reconstitute them if necessary.

Hello. Not with the schools to which Mr. GREGG wants to permit these children to go. No, no. There is no guarantee in this amendment with that plea about that matter. I want to talk to that matter. If that matter happens to be limited English speaking, forget about going to these schools. Do you understand that? Forget about it. They do not have to take your child. And they don't, more often than not. If your child has a disability, forget about going because they do not have to take your child. IDEA doesn't apply to this. There is reference in here that IDEA applies. But it doesn't apply to private schools. If they are disabled, forget about going. If they have a disability, forget about bringing your child in. If you are a homeless or migrant student, you will not be guaranteed services. You have no guarantee. Forget about going to that school.

Do you get the picture?

It is very interesting. According to a 1998 survey conducted in conjunction with a Department of Education study on public school students and private schools, private schools indicated that, if they were required to accept public school students—look at this: Randomly assigned. What about saying there are a lot of children in that school, and all of them want to go to a particular school. Let's take randomly assigned students who go to a public school and later to a private school. Entrants decline by one-half. And 68 percent of private schools indicated that they would be unwilling to accept students with learning disabilities. 68 percent would be unwilling to accept students with limited English proficiency.

Under this condition, the percentage of schools that would definitely be willing to participate declines from 77 to 36 percent.

Hello. This great experiment in democracy of making sure that every child is going to have this choice and not have the needy schools that are failing on that, basically it is going to

be a decision for private schools to make a judgment with regard to who they want, and make a conscious selection.

The idea that this is going to open doors for parents whose children are in failing schools as a way out raises a false hope, and it is one that should be rejected.

We are strongly committed to trying to do something about it. I know the Senator from New Hampshire is strongly committed. We know what has to be done. We are going to ensure that, with real accountability, schools will take steps to make sure they make annual, yearly progress, even based upon the existing tests in the old 1994 act which States already have in place. Schools will constantly have to make progress.

There is going to be a range of supplementary services available to children. They are going to have additional options to go to public schools if they need to. There will be afterschool programs available to them. There will be summer programs available to them.

As we accepted last night, there will be funding for creative summer programs which we have seen work in Boston last year. In those programs, they tied employment to reading. And children in that program, after 6 weeks of employment, increased their reading scores by 1.7 years. That is real progress taking place. We are strongly committed to that. But we want to provide that for all the children.

That is our commitment—high achievement for all children. Of course all of these parents who are faced with the prospect that their children will not make progress in the schools, if someone offers them a phony lifeline and says this is going to answer your problem, everybody is going to vote for that particular kind of opportunity. But that isn't being true to the complete picture.

We are trying to say we know what works. We are going to invest in these programs. We are going to move all of these children along together because we are one nation with one history and one destiny. We are all going to move along together.

That is what this commitment ought to be—not just to try to find some way that perhaps that one child or two children can move on. Good for them. But we want everyone to move along together. That is what our commitment is.

Private schools are not required to have assessments in their programs in the manner that the President has talked about. They are able to be selective about who will attend their schools. We are considering a proposal to divert scarce resources away from the nation's public school systems, where 90 percent of America's children receive an education.

If we find that the children going to the private schools today would like to go to the public schools, do you know what percent could go? Four percent. Of all of them, 4 percent could go to

private schools. So what are we saying out there? Are we going to have an experiment that is going to be out there, and only 4 percent can go? This makes no sense.

Now let's get back to the facts about whether there are any meaningful, positive results from these experiments, in the first place, where they have been tried.

The first 5 years of the Milwaukee voucher program showed no achievement differences between voucher students and comparable students. That is from the University of Wisconsin at Madison report, their 5-year report. It is the Witte study.

Followup studies found that voucher students made no gains in reading and only small gains in math. In fact, low-income students in Milwaukee public schools that reduced class size outperformed voucher students in reading and did as well as voucher students in math. That is the Princeton study.

Cecilia Rouse, 1998, a State-sponsored independent evaluation of the first year of Cleveland's voucher program, conducted by researchers in Indiana—not up at Harvard, not at Yale, not at Princeton; in Indiana—found no significant achievement difference in all subjects between voucher students and comparable public school students. In the second year there were no achievement differences, except a slight advantage for voucher students in languages.

The recent Jay Greene study on the effects of vouchers in Florida is also in serious question. Many researchers found that the Florida vouchers did not enhance reform in public schools, other factors did. Some researchers did suggest that the threat of vouchers for students failing public schools caused math and writing gains among Florida's lowest performing public schools to increase. But Greene's research overestimates the effect of being designated a failing school and offers no evidence that the higher estimate test score gains by failing schools should be attributed to the threat of vouchers.

What else? We could go down the list. I have the studies for virtually all of the voucher programs here. We can take some time and go through this. Later perhaps, in the afternoon, we will have an opportunity to go through them. I will include in the RECORD the analysis of the cities that have been mentioned in this debate, and others, in a very limited way, and ask they be printed in the RECORD so as to demonstrate that.

On the contrary, where have we seen the most progress made? Have we seen the most progress made in any State which has had vouchers? No. The most progress that has been made is in the State of North Carolina. In the State of North Carolina, public school reforms have been similar to those in Florida and have been initiated without vouchers, and student achievements have risen. The results are further reason to doubt the effectiveness of vouchers in public school reform.

The achievements in North Carolina have been notable. Every review, every evaluation, every examination, and every study finds unequivocally that North Carolina has made this significant and dramatic progress.

Here are the Rand studies. The Rand studies show that the gains in Texas and/or North Carolina, in both reading and math, were much higher than the average State gains and close to that of the State with the highest gains. If we were to average the gains across the States, North Carolina and Texas show the highest average gain among all the States. Do they have vouchers? No.

Here are the two States that are doing, what? In the bill we are investing in well-trained teachers, professional development, smaller class sizes, safer schools, afterschool programs, working with schools that are in trouble, as North Carolina does, in terms of closing down effectively the schools and putting them under new leadership, and bringing around new curriculum with new evaluations to benefit the children, having summer school programs—all of those that are out there—and having early reading programs, which is one of the areas Governor Hunt was so concerned with and is shown to be so important and successful, and a program included in this legislation providing for early reading programs.

I wish we could expand that. It is \$75 million. That ought to be expanded for a nation when we know what is happening. Why are we talking, on the one hand, vouchers, for which there is virtually no evidence—we can stand around here all day and talk about the different tests, but the fact is, when you take the review of States that have made meaningful progress in terms of advancing academic achievement, they are not relying on vouchers, they are relying on the kinds of things we have in this legislation.

I find this proposal enormously troublesome for other reasons as well. If you look at the "eligible entity":

The term "eligible entity" means a public agency, institution, or organization, such as a State—

This does not say it is going to go through the local superintendent of schools—

a State or local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary. . . .

I do not quite understand this, in any event, because I wonder if in Boston the superintendent and the mayor say, "We don't want it," and then they are able to go out and the Secretary gets some other public agency. It appears to me they would be eligible to develop a voucher system in a community. I would have thought at least they would want the superintendent of schools to say that, to give them the authority and the responsibility.

I think we ought to get back to the fundamentals. We know what works.

And we know what works is investing and taking advantage of the kinds of things that have happened in this country over the period of these recent years, and building on those. We know what a difference that can make in terms of the children of this country and having well-trained teachers in the classroom, having the smaller class sizes, having a well-thought-out curriculum, having evaluations of the progress children are making with well-thought-out examinations and tests—not tests that are just a mechanical rote of knowledge, but also a thinking process for these children—helping and assisting with supplementary services, summer programs, afterschool programs, doing all of that.

There are schools that are not going to measure up. We are taking the kinds of items that are included in this bill, in terms of over a period of years, and putting the emphasis and stress on math and reading. They have the high priorities in the bill. This is what works. If we adopted this amendment, we would be drawing down scarce resources that would otherwise be used—make no mistake about it—to benefit all of the children. If we took those resources out and used them on a program that is largely discriminatory—because it does not give the guarantee of choice to the child or to the parent. It still makes the choice in the school's interest, not the child's interest. It does not provide for how that child is going to be evaluated. It completely is exempt from all the kinds of evaluation this President has talked about. How can you have that?

He talks about having evaluations and making sure children are going to learn and insists they have the annual test. And on the other hand he says, if you go to a private school, you don't have to do any of that.

What is happening here? What possible sense does that make? And he leaves it up to the school to make the judgment and decision, and without giving the protection to many of the children whether they are disabled children, limited-English children, other children with any kind of special needs. I think that is a failure.

Let us take the resources we have available and invest them in our children, invest in their future, invest in what we know can work, invest in this new partnership we will have with the Federal Government, the States, and local communities; the new partnership we are going to have involving parents, teachers, and the local communities. I think that is what we ought to be about.

Finally, I think on the whole issue on the vouchers, obviously, there are constitutional issues. I know in the remaining time that I have—I will not take the time to go through it, but there are serious constitutional issues as well.

But I strongly oppose this amendment just on the basis of the policy questions. These programs have not

demonstrated effectiveness. The public, by and large, has rejected these issues time and again, across this country, and more than 80 percent in the District of Columbia. I know there is a potential voucher amendment for the District of Columbia.

This has been rejected across the country. When people know we are going to be serious about making a difference in investing in children and in the kinds of educational programs that are positive and will result in academic achievement and accomplishment, when we do that, the American people understand the importance of that type of investment. That is what this bill is about to do.

Its great failure to date is the fact that we have not received the kinds of assurances from the administration that they are going to make sure the benefits of this legislation are going to reach all of the children.

Mr. President, I see my colleague and friend from Michigan is here. I yield 5 minutes to the Senator.

The PRESIDING OFFICER (Mr. Edwards). The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend and colleague from Massachusetts who has been such a stalwart in advocating for our children throughout the process as it relates to this education bill. There has been give and take and working together in a bipartisan basis to formulate a bill that will focus on increasing accountability, goals for our children, but also resources. Many of us have been saying over and over again how the resources have to be coupled with the accountability so that every child has the opportunity to learn and we truly leave no child behind.

I rise in opposition to this amendment related to private school vouchers and speak on behalf of the people of Michigan who voted in the election last November resoundingly against a similar proposal that was on the ballot in Michigan. There was a lot of thoughtful discussion on both sides. The public resoundingly said no and focused on what I believe to be a very wise course, which is to focus on making sure that every child in every school has the opportunity to learn and that we strengthen our public schools.

I have great respect for friends and colleagues who choose to send their children to private schools. We also know that even if 10 percent of the children in our public schools went to private schools through vouchers, we would still be faced with needing 5,000 new schools in the next number of years and doubling the number of schools in the 10 largest school systems in America, at a cost of \$40 billion. Those costs don't go away. The needs don't go away. If a few children leave, you still have the majority there who need to have technology in the classroom, who need to have smaller class sizes so they can learn.

What we have found is that the voucher system pulls resources away

but, in fact, does not improve education for all children.

I remember when we were debating a few years ago—maybe 3 years ago—the D.C. schools. We had, literally, roofs falling in. One fall, as school was getting ready to start, there was a proposal that, as the roof was falling in, we ought to have vouchers for 2,000 children out of 78,000 children in the Washington, DC, schools—that 2,000 ought to be able to have vouchers. There was a big debate about the 2,000 children and not a debate about the 78,000 children who still would be in schools that had broken roofs, schools that would have wastepaper baskets in the corner catching the water. The resources that were being debated to be pulled out for vouchers would not allow fixing of the roofs. It didn't make any sense.

In the end, we were fortunate that proposal did not pass at that time.

What we know is that over 90 percent of our children attend schools potentially facing budget cuts, potentially facing challenges relating to resources. We also know that we want every school to increase accountability. We want to make sure that if a public school is not working, the school system has the capacity to shut it down, to change personnel, to do the things necessary to increase accountability.

I believe strongly that needs to be done within the context of our public schools so that every child has the opportunity for people to be fighting for the best quality possible for them and not just diverting a few children away from that system while the rest are in schools that are not up to standards.

This is an incredibly important issue that we need to send a strong message, through a "no" vote on the amendment, that we support strengthening our public school system for every child. We have schools now doing wonderful work. We have schools now that are in trouble. We need to make sure that through what we are doing federally, we are recognizing and applauding and saluting our quality public schools and that we are providing the resources and the accountability which our children deserve and our families deserve, to make sure that no matter what door you walk through in what public school, in which neighborhood in the United States of America, you know that your child is going to receive the very best quality education.

That is what this fight is all about. I believe this amendment takes us in the wrong direction. I hope colleagues on both sides of the aisle will vote no and we will get back to the business of strengthening our public schools through this important legislation.

Mr. KENNEDY. Mr. President, for 1 minute, on North Carolina, a recent Rand Corporation report found that between 1990 and 1996, students showed the highest average annual gain in the National Assessment of Education Progress, the NAEP, reading and math tests. Those are national tests. SAT

scores have risen 10 years in a row. The scores have improved more than any other State—a 40-point gain between 1990 and 2000, 10 points higher than the three other States with big gains.

Most recently, the States average SAT moved up as well between 1999 and the year 2000. This is a State that is doing it right. We tried to benefit from their experience.

The Senator from North Carolina, who is now presiding, was a particular help to our committee in sharing the experiences of North Carolina and ensuring that many of those very important aspects that have been successful in North Carolina would be available to benefit local communities in this legislation. That is the kind of thing we ought to be investing in so that all children will benefit.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am here today because I strongly believe that Senator GREGG's voucher amendment moves this country and our public schools in the wrong direction.

All of us stand for equal opportunity for all children. This amendment might open doors to a few children, but it would shut them for many others. In the Senate, we are fighting to improve our public schools with resources. This amendment uses public funds to send a few students to private schools rather than investing in schools that serve all of our children.

We need to think about the consequences of this voucher amendment. In the bill before us, we are insisting on accountability for the use of Federal funds. This voucher program would funnel taxpayer dollars into schools that are not accountable to the public at all.

Beyond lack of accountability, let's remember that private schools don't even have to meet the same academic standards required for all public schools. Not all private schools are created equal. There are a lot of good ones, but there are some with lower quality and lower standards, and our tax dollars would go to them as well with no accountability.

Private schools are important. I am not here to speak against private schools. I am here to speak against an amendment that would damage public schools.

Mr. President, I want to talk about the four simple reasons I oppose this amendment. Vouchers undermine our public schools; vouchers leave children behind; vouchers mean less accountability; and vouchers are a distraction from the hard but essential work of ensuring that all public schools are good schools.

Our public schools are the cornerstone of our democracy, our communities, and our economy. They are entrusted with giving more than 90 percent of our children the education they need to be productive citizens. Vouch-

ers would weaken public schools by diverting already scarce funds needed for smaller classes, afterschool programs, better facilities, and teacher training, to pay for private school tuition for a few select children—which really leads to the second reason I cannot support any voucher scheme.

Private schools may reject students for almost any reason, including disability, limited English proficiency, behavioral challenges, or academic deficiencies. Despite the rhetoric of this amendment, vouchers do not offer true choice for students. While parents may remove children from public schools, no voucher system guarantees admission to the school of their choice. Private schools will still choose which students they will admit.

While vouchers drain money from public schools to help a few students, other students are left at a public school with fewer resources. That will not help our kids succeed. In fact, it will probably lower the quality of education for the most challenged students, effectively leaving them behind.

Proponents of the underlying bill, including the author of this amendment, have said that accountability provisions are the key to not leaving students behind.

Well, Mr. President, my third objection is that this amendment would make these accountability provisions meaningless for thousands of students. This bill requires that the results of new reading and math testing in grades 3-8 be used to judge the quality of all public schools, and it sanctions schools that fail to make adequate yearly progress. But those accountability provisions and testing do not apply to private schools that benefit from vouchers.

If this accountability is truly essential to ensuring a good education, should it not apply to all schools that receive Federal funds?

Under this voucher plan, participating private schools do not have to give the same tests. They do not have to make adequate yearly progress. And they cannot be sanctioned. Public schools must comply with all Federal, State, and local civil rights, and health and safety requirements.

This voucher proposal doesn't even require participating private schools to protect the civil rights of school employees, or to maintain the separation of church and state.

Mr. President, I cannot support spending taxpayer dollars on schools with no public accountability.

Finally, vouchers drain away the resources and attention that should be focused on turning around low-performing schools. Vouchers offer an excuse to those who are unwilling to make the necessary investment or to roll up their sleeves and get involved in the hard work of leading a struggling public school into success.

Turning around low-performing schools is not magic. Hard-working people all across the country are doing it every single day.

Mr. KENNEDY. Will the Senator yield for a question?

Mrs. MURRAY. I am happy to yield.

Mr. KENNEDY. The Senator just made a comment that I think is particularly pertinent to this discussion on the question of accountability. Here in the legislation that we have before us—as we have debated over the past 7 or 8 weeks, much of that debate has been on accountability. But could the Senator indicate what her position is with regard to accountability for the schools where the children might be able to gain entry if they take these vouchers—what kind of accountability will be in place there? Are those schools included in this same kind of rigorous accountability, or will we be investing money in schools and not really know their impact on our children's future?

Mrs. MURRAY. Mr. President, it is very clear that as we have listened to this debate in the Senate, Senators on both sides of the aisle believe that the key to the success of the Elementary and Secondary Education Act is accountability, and a part of that is testing. The voucher system would mean that students could take public taxpayer dollars to a private school that has no testing requirements similar to the public schools, has no accountability, requires no accountability, and thus we are just sending taxpayer dollars to private schools that don't live by the same rules.

Mr. KENNEDY. If the Senator will yield further, part of the very, I think, strong presentation that the President has made is that he wants to ensure that tests are not used in a punitive way, but as instruments to gauge student progress and inform instruction. I think the Senator was there when we listened to Secretary Paige—he emphasized the importance of finding out what children don't know so there can be assistance provided to children to help them succeed. I have some enormously interesting examples. In our own State, where the teachers find out the class doesn't know much about fractions, they deal with that by teaching other aspects of mathematics over the course of the year. They are making up for lost progress in the past, and ensuring that children move along and keep up with the current material. There is a reason for accountability. If students are not able to make progress, they receive supplementary services—the afterschool programs, the summer programs, or the tutorials—to provide them with the extra help they need.

Now what is going to happen in voucher schools? Will those programs be available? How are we going to know whether these children are making progress?

Mrs. MURRAY. The Senator raises a key point. We won't know how they are progressing. As the Senator from Massachusetts knows, I was a school board member before I was a Senator. I can tell you of numerous school board meetings where we had citizens from

our community sitting in big audiences before us saying: You are spending my taxpayer dollars and I want you to—fill in the blank. If we send our Federal taxpayer dollars to private schools, our citizens in our communities will not have the opportunity to go before a board that governs a private school to demand that their taxpayer dollars are spent wisely.

Mr. KENNEDY. One of the most important aspects of accountability provided for in this bill is giving information to parents so that they will be able to follow the development of their children. We have a school in Massachusetts where part of the portfolio for school success is a measure of parental involvement. Very interesting. That sounds like something that is way out, but, by George, that school was able to get their parents involved.

An essential element in this bill is the proposal to make sure that parents understand what is happening in their schools, and to be able to provide a comparison of their schools performance to other schools in the neighborhood. In this respect, and with school report cards, parents will be able to be effective, articulate spokespersons for their children's education. Will that be available under a voucher program?

Mrs. MURRAY. The Senator from Massachusetts knows that it would not. If our taxpayer dollars went to a private school in the form of a voucher, there would be no parental involvement, no community involvement, no taxpayer involvement on how their dollars were being spent.

Mr. KENNEDY. I thank the Senator for that. Is the Senator also aware that opportunities for children who are limited English proficient, or for children who may have a learning disability, or for migrant children or homeless children—those opportunities will not be driven by parents. The choice of how to serve those children, if they are served, will be made by the school under a voucher program. So does the Senator agree with me that the idea of somehow providing millions of American parents the opportunity for their children to be moved into a different situation with this proposal is really a distortion? Critical decisions will be made by schools that may not be inclined to reach out to children who have some special situation, special needs.

Mrs. MURRAY. The Senator from Massachusetts raises a very good point. I know many parents today with young children who are 2 and 3 years old are now trying to get their kids into private school. They are starting the application process already. It is very difficult to get into some of our best private schools. Imagine parents out there who are listening to rhetoric about a voucher program as some kind of magic bullet that their child will use to get into a private school, and that is not correct. In fact, private schools can say they will not take children with disabilities or with limited English proficiency or with the difficulties that they have experienced in the past.

So it is an empty promise to many parents who are thinking it is some kind of panacea—a voucher system that all of a sudden they will receive as taxpayers. The good private schools are hard to get into. We all know not all private schools are created equal. There are good ones and there are some not so good. This money would apply to all of them. I think we would lose for a lot of taxpayers in this country and our public school systems will lose even more.

Mr. KENNEDY. Finally, we have listened during the presentation of those who supported this amendment, that this was not really going to take money away from public school children.

We would like to find out where this magical pot of money is. They are saying we want to give assurance to all those who are voting with us and against us that this money will not be taken away. If we don't use this money, it still won't be available to children. I am somewhat mystified—I don't believe it. I don't think anybody in this body believes it.

Does the Senator agree these are scarce resources? We have reviewed the fact we are still only reaching a third of the children under the President's program. Under the President's program, there is no increase other than the cost-of-living increase for children over the period of the next 8 years.

Resources are scarce. I wonder if the Senator from Washington buys the argument that this is not going to be money that would otherwise be used for professional development, or training teachers, or mentoring programs, or afterschool programs, or moving teachers into smaller class sizes. The Senator has been our national leader on that issue. Doesn't the Senator agree we could use that \$50 million more effectively in terms of benefitting children rather than for a voucher program?

Mrs. MURRAY. Mr. President, as the Senator from Massachusetts knows well, we only fund one-third of the students who are eligible for title I today. It seems to me we should be investing the money in making sure title I students have access to additional help. If we reduce class size, if we provide teacher training, if we invest in public schools in a way we have promised for many years to do, vouchers would not be an argument on the floor. Our children everywhere would be getting the good education they should and we would not select just a few kids to go on to a few schools to succeed. We would go back to the principle we all espouse in the Senate, to leave no child behind.

As a country that cares about all of our children, we are making sure we invest in all of our children.

Mr. KENNEDY. I thank my friend and colleague.

As a school board member and a teacher of elementary school, Senator MURRAY brings a special insight into

the education policy issues. I think we do well to heed her warnings and concerns.

Whatever time the Senator needs to conclude her remarks, I yield.

Mrs. MURRAY. I thank my colleague from Massachusetts. I urge all colleagues to think about the principles of this bill and the underlying concept: We want to make sure every child in this country succeeds. That is not what this amendment will do. It is what we need to do in terms of investing in our communities, our schools, in the right way, so all children can succeed.

There is no magic bullet. The vouchers amendment is certainly not one. I hope we are not tempted by the false promise of vouchers as that magic bullet.

I urge all of my colleagues to vote no.

Mr. KENNEDY. Mr. President, I take a moment or two to refer those interested in this debate to this report called "Uncommon Wisdom, Effective Reform Strategies," from Mass Insight Education, an education-reform organization based in Boston, Massachusetts. Massachusetts is well on its way in terms of educational reform. We have been making progress in recent years.

This report illustrates a number of schools making very important and significant progress academically with their students. They include elementary, middle, and high schools. They illustrate the different techniques used in each of the schools. All the reforms vary somewhat, but all have been implemented within the framework that this bill supports: high standards; good professional development; data generated by meaningful, high-quality assessments; and extra support for the students in need of academic assistance.

This independent organization is highly regarded. They have reviewed various schools in our State, and have shared their findings so that other schools can make progress. Again, they identify four critical priorities: the development of the curriculum, the teaching, the assessment, and the intervention. Together, these reforms directly shape every student's educational experience in school. These four common elements have produced important and significant progress in each of the 22 Massachusetts schools included in this report.

In the Thompson School in Arlington, 30 percent of students receive free or reduced lunches, 15 percent have special needs, and 25 percent are students of color. It is a mixed blue-collar, working-class, middle/low-income high school that has been able to make extraordinary progress with their programs. There are countless other examples of schools, such as the Thompson school, that have reformed to produce results.

The bottom line is that the elements included in this report are elements we have included in this legislation. If we provide funding for these reforms, we

will see these results in not only every school in Massachusetts but every school in the country. That is what we want to do.

The Senator from Rhode Island is here and I yield 10 minutes.

Mr. REED. Mr. President, I rise in opposition to the Gregg-Hutchinson amendment which authorizes a voucher program for private schools for 7 years, encompassing 10 cities and 3 States. I don't believe this is an appropriate educational policy we should be pursuing. Our first and foremost commitment should be to strengthen and improve reform of public education.

Frankly, as we go forward with the constrained resources, that primary challenge will be difficult to achieve. Dissipating funds for vouchers for private schools to me is not the appropriate response to a crisis in public education in the United States. For over 30 years, the Federal Government has made a commitment to help the students of America throughout the public education system. Particularly, we have committed to ensuring that low-income students are given a chance to succeed. We have created reforms over the last several years to help improve the learning environment and ensure a vigorous public education. Back in 1994 we streamlined reform of the title I program and other Federal programs. The thrust, the purpose, the constant theme is how we can help, working with the States and localities, to improve public education to ensure that every family in America has an opportunity to send their children to excellent, free, public schools.

This amendment takes us off that track, off that purpose. It would not improve public education in the United States. It would not respond to the need for safe schools, quality teachers, smaller classes, buildings that are well repaired and well maintained, or greater parental involvement. It would not ensure that all students reach high academic standards. It diverts scarce Federal resources from the public schools, our first and foremost priority. And it does so at a time when the massive tax cut that has just been passed weakens our ability to respond to the overwhelming needs of public education throughout this country.

As a result, I do not believe we should engage in this policy endeavor. In a world of finite resources, we have to be careful and conscious of our obligations to public education and our foremost responsibility, to ensure that public education is well served.

There are proponents of this legislation who say this amendment is really about giving families a choice. I do not believe this really is an issue of choice. Realistically, this amendment will never reach all the children in all the failing schools. So we know, even if this amendment is adopted and accepted, there will be children left behind in failing schools. That is not a choice for parents.

It seems to me, then, that we have to go back to our initial purpose, which is

to try to improve every school in this country so no parent has to keep their children in a public school that is not performing. We need to give parents real choice, and we do not deal with the issue of choice by dissipating resources, by inviting some children to go to private schools and leaving others behind. We do it by confronting our responsibilities to reform each and every public school in this country.

There are other issues that complicate this approach to choice. First, giving a voucher to a family for their child does not ensure that child can go to the school the family chooses. Frankly, the nature of private education is they exclude students. They exclude students because they are not smart enough. They exclude students because they just do not fit in with their approach to education. They exclude students because, frankly, they are difficult or have discipline problems. Public education cannot do that. Public education has to be inclusive. Public education has to reach out and embrace every child—those who are difficult and those who are honor students.

So this approach to reform fails on one other principal ground. We are not giving every family the full range of choice because private schools will exclude again and again and again. That is the nature of being a private enterprise. That, in some respects, some might argue, is one of their strengths. They can ensure all the children are part of their patent, that they fit in. That is not a luxury, frankly, that public education has. We have to recognize that. So this argument of choice is not something I think really carries the day.

Also, there are other issues. If we do embark on a voucher program such as this, it will invariably raise issues of the rights of parents to demand entry to these private schools. It will raise issues of whether or not it is consonable to exclude these children, who now have public funds, from these schools. So there may be many in the private education community who would like to see this development, but they might, when it becomes, or if it becomes, a reality, think otherwise.

There are many things we have to do to ensure the education of the young people in America is excellent. We have to raise standards. We have to improve the professional development of teachers in public education. We have to enhance the ability of our schools to embrace and bring parents into the school system. We have to ensure that the buildings, the very buildings that children occupy, are places where they feel comfortable in terms of security and safety, in terms of just the feeling of being in a place that is esteemed enough to have the floors clean, the ceilings fixed, all the facilities working. There are too many schools in America that fail that test.

There are too many schools that do not have the appropriate programs to

involve parents. There are too many schools that are not conscious of doing their best—too many public schools in this country. That is where our attention must lie. That is where our focus must lie. That is the purpose for which we come here—to ensure every public school in this country offers the families of America excellent, free, public education.

To embark on this approach of vouchers for private education is a mistake. It dissipates our resources. It also does not truly give the families of America choice.

There are today, within the public system, more and more opportunities for parents to choose among different schools within that public school system. There is the recognition that public systems simply cannot stand pat any longer, they have to improve the quality of education, they have to reach out to teachers and parents and the community at large to restore trust, to rebuild not just the physical structure of the school, but also the educational scope and commitment to excellence of all schools. That is their job.

We can help, not by providing vouchers for private education, but by funding and authorizing programs that will require, and insist, that every public school in this country meets the standards of excellence. I hope we will do this.

I hope we will reject this amendment and get on with the business of the education bill before us and make a real commitment to public education.

Mr. President, I will yield the floor, but on behalf of Senator KENNEDY, at this time I will yield 10 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California is recognized.

Mrs. BOXER. Madam President, I say to the Senator from Rhode Island and Senator KENNEDY, thank you for your magnificent leadership on this issue of education.

We all know life is complex and we all face problems every day in our lives. Our society has problems, not the least of which is that sometimes our kids go astray; they make the wrong turn and struggle and sometimes wind up in difficult situations. Whether it is turning to juvenile delinquency—and we all know that happens to some of our kids—whether it is not being able to handle the stresses of broken families, we know we have problems in our society.

We also certainly know that there is no silver bullet. We wish there were one thing we could do that would be kind of a magic wand to fix all the problems we face, the problems our families face, the problems we face as individuals.

Let's say someone came up to me and said: You only have one answer. What would be the most important thing we could do to stop problems in our society, be it crime, be it drugs, be it alco-

hol use, be it sexual abuse? Talk about the issues; we all know they are here. What would be the one thing, if you had to choose only one and that was it—you couldn't pick five, or four, or three, or two—I would say it would be a quality education for every single child starting from the earliest times.

Why do I say that? It is because we know now that 90 percent of our brain capacity is set by age 3. So we know if we think all this starts later in life, we are wrong. If we can reach those children, particularly those children who may not have the support of a family structure, we can make a difference.

Will it solve the problem? No. But I can say to you that it will solve most of the problems.

I speak as someone who is an expert on public schools. Why? Because that is where I went. From kindergarten through college, I went to public schools. I am a first-generation American on my mother's side. My mother never graduated from high school. Here I am in the Senate.

For those people who may not like my politics, they say: God, look at what the public schools did to us. But for the people who think I fight hard and do things, that I can go toe to toe with most people in this institution who went to the fanciest schools, they say: Hey, look. Look at what our public schools can do.

That is why I strongly oppose the Gregg amendment. I think any effort in this Chamber to pull money away from our public schools before we know whether they are qualified, before we know that we are giving every child what he or she deserves to have, anything that pulls that money away from the public school system is absolutely wrong on its face. Well intentioned and the rest, it doesn't work.

We know we can provide what our kids need if we put the resources behind the rhetoric. Senator SCHUMER and I will have an amendment later today which will say to our colleagues, if you believe in this, vote for the Schumer-Boxer amendment, which is going to say let's make sure there are appropriations to fund education to match the authorization in this bill. We are going to have a chance to vote on that. But I have to say this. The amendment of Senator GREGG provides for voucher demonstration programs in 10 cities and 3 States. Our teachers are telling us not to pull resources out. Our voters have told us in California: Don't pull resources out of the public schools and put them in the private schools. In California, people have voted. They had a couple of voucher initiatives. The last one, Proposition 38, they defeated by 70.7 percent of the vote. Let me repeat that. Californians voted 70 percent against a voucher experiment. I have to tell you that we don't vote 70 percent for anything.

People always ask: How do you manage to represent a State such as California with 34 million people? I basically am honest in my answer. I say: I

do my best. But on any given day, 30 percent of the people love me and 30 percent of the people hate me, and a third of the people have no idea who I am because there are 34 million people in that State. But 70 percent of them voted against vouchers.

It pulled everyone together—Republicans, Democrats, and Independents—because it is a very simple point. If you believe in the rhetoric of "leave no child behind"—and our President uses it; I believe it—and, if it is real, then you don't leave them behind by pulling money out of the public schools and putting in these voucher initiatives which have a lot of problems.

We have a lot of laws on the books that I think are important. We know in the public schools you can't discriminate against any child for any reason. Every child who walks through that door is precious and important and equal to every other child, regardless if they have a disability, regardless of their gender, and regardless of their national origin.

The fact is, in this amendment we are going to have exceptions. Private schools can say they don't want any more girls; they just want to have boys; they can just say no, or vice versa. They can say they don't want any more boys and just take girls. There can be discrimination because that is the essence, frankly, of a private school. If they want to do that, fine. But just do not take the money. You do what you want but don't take taxpayer money. Don't pull it away from the public schools.

I admire a lot of private schools. I have a lot of them in my State. They give scholarships to needy children. They get a tax break, if they are a profit-making school, for doing that. I support that tax break. Scholarships for needy kids are the way to go, if private schools want to make sure their student body is diverse and interesting and helps kids. But to pull hard-earned taxpayer dollars away and put them into the private schools isn't the way to go. We know that just a few kids will benefit. Even the question of how much they will benefit has been looked at.

Let's say you are lucky enough to have enough money so a \$2,000 voucher can help you pay for the rest of the tuition. Sometimes the tuition is \$8,000, \$10,000, or \$12,000. There is no reliable research that shows voucher programs actually improve the education of our children or that voucher students outperform their public school peers. In fact, the policy analysis of a California education group reported that Proposition 38, the voucher initiative in our State, would cost more and affect fewer students in proven education reform.

What do I mean by that? It has been proven that smaller class size really helps student performance. Again, it is kind of a no-brainer thing. If a teacher can pay attention to fewer kids, she or he is going to do a better job. It costs much less to put that reform in place



than to have a voucher initiative in our State.

Now we are reducing class size. We are seeing results. We are seeing great results. That is the track on which we should stay. Someday when we have quality education for every public school child—where 95 percent of our kids go, by the way—I am willing to look at other ways to help other kids in private schools. I may always be biased against it because I believe in public schools. I think it makes our country different from every other country. It gives every kid a chance at the American dream. But I will look at it once I know every child has a quality education. We know they don't have quality education in every school district in this country. The purpose of this underlying bill is to make sure we give every child a quality education.

Let's talk about Michigan. Michigan had a vote on vouchers. They voted it down 68-31. What are we doing here? We are reinventing a voucher plan that has already been voted down in California by more than 70 percent of the vote and by 69 percent of the vote in Michigan. Once again, voters are expressing their concern that we are pulling money away from public schools.

Let me say that one independent Princeton researcher found that when students in Milwaukee's public schools program were given extra resources to reduce class size, they actually outperformed those kids who were on the voucher.

Let me reiterate. There is an independent study that showed that kids in Wisconsin, who had the advantage of smaller class size, outperformed other students who had vouchers in reading, and they did as well as those students in math.

The drain on the public school system in Milwaukee is evident. According to the Wisconsin Education Association Council, the voucher initiative took \$22 million away from the public schools.

Why would we do that? We know vouchers don't guarantee equal access. In Milwaukee, 40 percent of the kids who sought to participate in the voucher program could not find schools that would take them. They could be particularly harmful to a student who is not the "cream of the crop." Suppose the student is disabled, has limited English, or suppose they are homeless. A private school is going to look twice, scratch its head, and say: Maybe not.

That goes against the American dream, which is, again, an equal chance for every child, regardless of their circumstance.

I think this amendment is an important amendment. I hope it will be defeated because the underlying bill is really about reform—reform of our public schools. By pulling funds away, we hurt that reform effort.

I had a successful amendment that I offered to this bill, cosponsored by my Republican colleague, JOHN ENSIGN. It was about after school. We want to

make sure kids after school do not get into trouble. We know, if we look at the charts, what happens. The FBI charts show, for sure, that is when kids get in trouble.

This was a bipartisan amendment. It passed with a very healthy majority. But I do not want to see us now turn around and take money away from that effort for after school and away from the effort of smaller class size and all the other things we are trying to do in this bill. I do not want to see that happen.

I see my colleague from New York is in the Chamber. She has worked so hard on this bill and has dedicated her life to kids. I am very excited she is going to be partaking of this debate this morning.

To sum up my argument, it is this: Our public schools are what make our country different from most other countries because they give us all a shot at the American dream. Are the public schools perfect? No, they are not. Do we have to hold them accountable? Yes, we do. Do we need to make improvements? Yes, we do. Do we need to invest in the children in those schools? Yes, we do. Do we need to demand results? Yes, we do.

But if we pull those dollars away from the public schools and we put them into the private schools, where 5 percent of the children go, we are making a huge mistake. My voters in California have shown that on several occasions. Voters in Michigan have shown that. They want to see us fix up our public schools first, make them work first. Then maybe we will have the luxury to look outside the system.

We should demand the most from our kids, the most from our teachers, the most from our principals, the most from our school districts, the most from our Governors. But when we expect that, we should provide the resources, we should not pull them away from the public schools.

Thank you very much, Madam President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. CLINTON. I yield myself 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mrs. CLINTON. Madam President, I commend and thank my good friend, the Senator from California, for her usual eloquence and energy in putting forth a very commonsense proposal, which is that we ought to do everything in our power to make sure our public schools work before turning our backs on them. I especially note her telling all of us that voters in California and Michigan, who have been given the chance to vote on vouchers in their own States, have not only rejected that proposal but have done so overwhelmingly.

I join my friend from California, and so many others, in opposing the Gregg

amendment which would provide \$50 million for a voucher demonstration program. I think it is fair to ask: Why would I and others oppose a mere experiment?

What I would like to do is just reflect back for a minute on an experience I had which really crystallized my opposition for me.

A few years ago I was in Northern Ireland, in Belfast, where I was privileged to meet with a number of people who were crossing sectarian lines to try to come together to find a way to peacefully coexist after decades and decades of troubles between Protestant and Catholic citizens. I was so struck, after a daylong conference—where we spoke about how to set up a governing assembly, how to provide economic opportunity, how we could get more people involved in the participation required for a democracy to work—when several people said: But the real problem we face is in our schools.

I said: What do you mean?

A number of them went on to tell me that from the very earliest of ages children from the two religious traditions grew up in very separate environments. There are literally barriers between Catholic and Protestant neighborhoods, and then they go to schools that are run by the respective churches into which they are born.

Person after person said to me: We will never live and work in peace if we don't go to school together. We won't have a chance to get to know one another. Can't you help us have a public school system like you have in America?

That made such an impression on me because I have been fortunate to travel all over the world. I have been in many countries on every continent except Antarctica. In every country I go to, I meet very smart people. I meet athletic stars, Olympic gold medal winners. I meet scientists, very successful business leaders, and great artists. Yet there is something very different about every other society than ours because no other society has committed itself to the proposition that all people have the opportunity to live up to their God-given potential and that we will provide universal public education, to offer that to each young boy and girl.

We are not perfect. We know that. We know we have schools that fail at this responsibility. Yet the goal we have set and the results we have seen, from a commitment to public education for so many years now, have been realized in the success of this country, in the uniqueness of our mobility, and in the opportunities we make available.

There are some children who, frankly, start out pretty far behind the starting line. They do not have the family background. They do not have the environmental enrichment. They do not have families who will help them succeed in school. They are often trapped in generational poverty. When you have poor people, you often have poor services.

It is a challenge to those of us who believe in public education to come up with reasons to oppose something that sounds so good. You can read the supporters' comments. They say: In some of our large cities, children are trapped in failing schools. They should be set free. And we should, therefore, give them money to go to a private or parochial school. And it sounds so good. But it has a number of serious flaws that I hope will lead a majority in this Chamber to vote against it.

Let's take, first, the fact that the experiments that have been run—because we have already run experiments on vouchers—have demonstrated absolutely no evidence that vouchers help to improve student achievement.

Secondly, we know vouchers do not help the students who need the help the most.

Thirdly, vouchers do nothing to help improve public schools. In fact, research shows clearly that vouchers only further segregate and stratify our public schools.

That does not stop the proponents. I often have remarked since I have been in Washington that Washington operates in an evidence-free zone. You can put out the evidence, and if it runs counter to the ideology, then the evidence does not count.

But clearly there is no evidence. In fact, a 1998 study of the Milwaukee public school choice program, done by Cecilia Rouse of Princeton University, found that students in public schools with smaller class size and additional State funding experienced significantly faster reading scoring gains than students who attended private schools through the program.

In Cleveland, a study of the voucher program found no significant difference between the achievement of voucher students and their public school counterparts in reading, mathematics, social studies—the full battery of tests—after controlling for background characteristics, including prior achievement.

So I do not think we need another experiment to tell us vouchers do not work. We already have clear evidence of that fact.

But there are those who argue that increasing competition among public schools, through vouchers, will help improve student achievement in failing schools. But we know that, too, is a false promise.

We know what does work—strong accountability, coupled with the extra attention that students who need it require, and the kinds of intervention we have heard about—everything from preschool to parental involvement to afterschool and summer school.

Scholars from the Economic Policy Institute, Duke University, and the Charles A. Dana Center at the University of Texas, as well as Stanford University, have found that States with strong accountability systems which do not include vouchers were successful in improving student achievement in

the lowest performing public schools. Researchers call it the scarlet-letter effect, which shows that if a school is termed "failing," the school is often motivated to improve. That is what we should be focusing on now, and that is what we are focusing on in this education debate.

I also worry that trying to provide sufficient funds to afford a student a choice that is meaningful will siphon much needed funds out of our public school system. A \$1,500 voucher, for example, is just not sufficient in most large cities I am aware of, and we, therefore, know that families have to add a substantial contribution themselves. In Milwaukee, for example, as many as 46 percent of students dropped out of the voucher program in the first year, and 28 percent dropped out in the fifth year because the \$3,600 voucher was not sufficient to cover costs such as registration fees, books, uniforms, and transportation.

We also have to worry that if you implement vouchers, then very often the motivated students and their parents will take advantage of them and we will see the kind of exodus from the public schools that will only make it more difficult to change their futures.

How can we justify taking \$50 million away from proven practices of improving student achievement? We need to do more to lower class sizes. Yet we were unsuccessful in continuing a proven program to do just that by helping to fund teachers in the classroom. Our friends on the other side said: That is not something the Federal Government should be doing; so even though we know it works, we won't vote for it.

We were unsuccessful in having construction and modernization and repair funding available where we know that so many schools, particularly the very schools we are talking about, are literally falling down around the heads of students and teachers. We were told: Well, modernizing our schools is not a Federal responsibility.

We need to recruit and retain teachers, and we know we are not going to do that if we don't provide competitive salaries and bonuses and other financial rewards. And we have a long way to go before we have the teaching core, the quality teaching core we need in our country. Instead of investing in proven measures to raise student achievement, we are being asked to divert and siphon off these dollars.

I started by saying that my concern is not only based on the fact there isn't any evidence this works, that it siphons money out of the public schools, that, in effect, it opens the door to giving up on what we know makes a difference in our children's lives, but that also public schools, for me, are the distinguishing characteristic that sets us apart from many other societies. They are the bedrock of our democracy. I don't think we would be giving up on any of our fundamental freedoms so easily. I don't think we would be turning our back on our Constitution or our

Bill of Rights. Yet without a strong public school system, we could, in effect, be doing just that.

At a time when we are trying to hold students and teachers to higher standards, diverting scarce resources to fund an experiment that we already know has weak results and could very well undermine the future of public education, which takes care of 95 percent of our students and works well in most parts of our country, is a very tragic step in the wrong direction.

I heard the end of the remarks of my colleague from California. I know she is a very strong supporter of public education, as I am. And like her, I went to public schools from kindergarten through high school. I believe in public schools. I was struck by what she said. If we were already doing what we know works, if we had lowered class sizes, if we had imposed the discipline, if we had recruited and paid teachers in the hard-to-teach schools what they should be paid, if we had modernized our schools so we didn't have chunks of plaster falling on teachers' heads, as recently happened in a school in my State, then if we still didn't have results, maybe even we very strong public school advocates would be willing to say: Well, we need to try something. But we are nowhere near there.

We have turned our backs on the children who need us the most. We have basically left them in the most poorly funded schools with the least qualified teachers, often not even encountering a certified teacher without adequate resources, without being held accountable, and we say: Well, what do you know; it is failure.

This is similar to so many of the other proposals that would undermine public education. It is aimed not at solving the problem but at coming up with a short-term, ideologically driven answer to a complicated set of issues. It is tragic that when we know what works, we are unwilling to step up and fund the resources that will give every child in America, no matter who that child's parents might be, the same chance I was given.

I urge my colleagues to oppose this amendment. I yield back the remainder of my time.

**THE PRESIDING OFFICER.** Who yields time? The Senator from New Hampshire.

**Mr. GREGG.** Madam President, I believe the understanding I had with Senator KENNEDY was that Senator KENNEDY and the proponents of his position would have until 12:15, and then from 12:15—it was a casual understanding—we would go back to our side. I understand there are Members on his side who wish to speak, and we have a Member on our side.

It is my intention at this time to yield the 15 minutes we had reserved on our side to Senator ENSIGN from Nevada.

**THE PRESIDING OFFICER.** The Senator from Massachusetts.

**Mr. KERRY.** May I ask a question of the minority side?

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. GREGG. Yes, I yield for a question.

Mr. KERRY. Madam President, it is my understanding, then, that there is a prior agreement that a full 15 minutes will be used by the minority side, and then it will come back over here?

Mr. GREGG. There was no formal agreement, but there was an understanding that people presenting Senator KENNEDY's position on this amendment would go from 12 to 12:15, and we would go from 12:15 to 12:30, and then we will be in the break for the meetings of the caucuses. Then we would be coming back. I understand the Senator from Massachusetts wanted to go into morning business; is that correct?

Mr. KERRY. Madam President, that is correct. I ask the following, if it is possible. I ask unanimous consent that the Senator from Nevada be permitted to proceed. Does he intend to use the full 15 minutes? Might the Senator from Nevada use less?

Mr. ENSIGN. Madam President, 10, 15 minutes, somewhere in there.

Mr. KERRY. Madam President, I ask unanimous consent that the Senator from Nevada be permitted to proceed, the Senator from Minnesota then be permitted to speak for 5 minutes, and then I be permitted to speak as in morning business, at which point the Senate would recess for the caucuses.

Mr. GREGG. I have no problem with that. The time of the Senator from Minnesota will come off of the time of the Senator from Massachusetts. Both the Senator from Massachusetts and the Senator from Minnesota will come off of the time of the Senator from Massachusetts.

Mr. KERRY. Madam President, I ask that we change that. I am not going to speak on the bill.

I ask unanimous consent that the 5 minutes of the Senator from Minnesota come off Senator KENNEDY's time, and that the time that I use be time as in morning business until we recess for the caucuses.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have no objection. I will amend it to include that the time used up in this discussion be applied equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I yield to the Senator from Nevada 15 minutes, or such time as he may consume.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, many colleagues will come to the floor today and state that federally funded vouchers will ruin our public schools. I say flatly that this is wrong.

This program does not take money away from any school. This amendment creates a demonstration program and authorizes new funding to pay for it. But, even if the Gregg amendment

did not provide new funding, vouchers would not take money away from public schools. It a student uses a voucher to go to a private school, a public school no longer has to pay the cost of educating that student. And, in most cases, a voucher is given for less money than the average per pupil expenditure in the school district, thus saving the school money.

Under the Gregg amendment, the voucher program is voluntary. It permits 10 cities and 3 states to apply for grants to operate a low-income public/private choice program for students attending failing schools.

This amendment ensures that children in our Nation's poorest neighborhoods, who attend our Nation's most struggling schools, have the opportunity to get out and attend a better, higher-performing school. These vouchers allow parents to choose the best academic setting for their child.

In my opinion, the reason all of my colleagues should support this amendment is because it is going to help children succeed in school. None of us wants a child to be stuck in a school that has been identified as failing for 3 years. Rather, we want our children to be in an environment where they can not only learn but excel in what they are learning. Vouchers have made this achievement possible for many students who otherwise would not have succeeded.

School choice, be it private or public, has been proven to drive reform in our Nation's schools. Why? Because competition breeds reform. How can a school be expected to rise above mediocrity if it is not challenged? In my opinion a lack of competition breeds mediocrity.

If you look around us today, I will bet you that everyone here has sought out the best schools for our children. Many of us are fortunate, and can afford a move to a better school district, or can send our children to private schools. I bet that most lobbyists, including those for the National Education Association, in Washington, DC, send their children to private schools. However, many in our country are not as fortunate. How can we idly sit by and abandon children in failing schools?

This amendment will help those who cannot afford to send their children to private schools and cannot afford to move to a better school district.

A study by Harvard researchers found that students who stayed in a voucher program for 3 or 4 years registered reading scores 3 to 5 percentile points higher and math scores 5 to 11 percentile points higher than a public school control group.

A study on the Milwaukee choice program found that scholarship recipients experience a 1.5 to 2.3 percentile point gain over their peers in math for each year spent in a private school.

Studies of private school choice programs in both Washington, DC, and Dayton, OH, found that black students

who switched from public to private schools experienced an overall test score gain of 3.3 percentile points the first year, and 6.3 percentile points the second year over the control group.

If this trend continues, the researchers contend that the achievement gap in reading and math between white and minority students would be eliminated.

Isn't this what everyone here wants: to have all students excel? Do we not want our nation's students to prove that they can do as well or better than their counterparts worldwide?

Test results released last year on the National Assessment for Educational Progress, and the International Math and Science Survey, showed that children who attend private and parochial schools scored higher than their counterparts in public school.

Students in private and parochial schools did better. It is as simple as that. Why then would we not allow low-income students who attend chronically failing schools a chance to attend schools that have proven time and again that they can and do increase student achievement?

Parents strongly support public school choice; and yes, even vouchers. A recent poll done by the National Education Association (NEA) found that 63 percent of parents polled favored legislation that would provide parents with tuition vouchers of \$1,500 a year to send their children to any public, private, or charter school. I ask my colleagues, what parent would not want to be given a chance to send their child to a better, higher performing school?

I have had conversations with public school superintendents, principals, and teachers who support vouchers. Yes, they support them. But, they are afraid of stating their support publicly because of the teacher unions.

In fact, public school teachers send their own children to private schools at a higher rate than the general population. In Cleveland 39.7 percent of the public-school teachers living in the city sent at least one child to a private school. The average rate for non-teacher families was 25.2 percent. Here in Washington, DC, 28.2 percent of public school teachers send their children to private schools versus 19.7 percent of the general population. And finally, in Boston, 44.6 percent of public teachers send their children to private schools, versus 28.9 percent of all parents.

It is not surprising that private organizations have initiated private school voucher programs and have had an unbelievable response. For example, the Children's Scholarship Fund offered 40,000 vouchers to similar students in cities across the United States. They received 1.25 million applicants. In Baltimore alone 67 percent of the eligible student pool applied for one of these vouchers.

One of the reasons for this response is simple: parents are seeing the results that private schools have on test results and want their child to receive that same education.

However, the results from introducing vouchers in areas where public schools are failing our students are not only academic. Yes, test results have increased, but so have high school completion rates, college attendance rates, and parental satisfaction. In addition, students in private schools are better disciplined and feel safer in their school.

The Federal Government already provides a type of voucher to low- to middle-income students with the Pell grant program. Pell grants are given to students to attend any college or university that they want; be it public, private, or parochial. The Federal Government has supported this, and as a result the American higher education system is the envy of the world.

How is a Pell grant any different than a voucher for elementary or secondary school?

I am not here today to attack our public schools. In most places, including my own state, our public schools are doing an outstanding job. But, in some places they are not. Some schools are simply failing to educate the children who attend them.

Vouchers not only help students leave these failing schools, but also help to foster change in the schools they are leaving. Principals, teachers and superintendents do not want to have failing schools. They want their school to produce smart and productive children.

In fact, with the introduction of the A+ program in Florida, failing schools did improve. Schools given a D or F improved by implementing longer school days, providing additional teacher training and professional development opportunities, and creating special programs to improve math and reading skills for at-risk students.

This is what I want to see happening nationwide. I want to see our public schools improve; to prove to us that they can teach our students just as well, if not better, than private schools.

I believe that this legislation provides the assistance that many public schools need to foster these changes and improvements. But I also believe that this amendment is a necessary part of this legislation. This amendment ensures that students in school districts that are struggling to improve student achievement will be given a chance to attend a school that does improve achievement.

I hope that my colleagues will support this amendment, and support children in failing schools receive a better education.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, because there are other Senators desiring to speak on this, I can do this in less than 5 minutes. An awful lot has been said.

I was listening to my colleague from Nevada, and I thought I might say at

the beginning, in terms of my background, all of our children went to public schools. My wife Sheila worked at the library of the high school. I think this reminds me of a debate I was involved in with Senator HATCH from Utah when I first came to the Senate, a sharp debate, but done with some friendliness and a twinkle in our eye.

I said to Senator HATCH, if Democrats and Republicans in the Senate could say to me as a Senator from Minnesota, we have lived up to our commitment to leaving no child behind—I have heard so much about leaving no child behind: We have fully funded pre-kindergarten education so every child in America comes to kindergarten ready to learn—that is where the Federal Government could be a real player; we have fully funded the title I program for children from disadvantaged backgrounds. We have lived up to our commitment to fund the IDEA program for children with special needs; We have voted for smaller class size and voted to get more teachers, good teachers into teaching, to join many good teachers who are teaching; we have voted for there to be an investment of money to rebuild crumbling schools because crumbling schools tell the children we don't give a damn; we have voted for resources for support services so there are counselors and teacher assistance and to help kids in reading; We have done it all, and none of it has worked; We have made our commitment to public education, and it has not worked; at that point in time, I might be the first person to embrace vouchers. But we have not done any of that. It is for that reason alone that I vigorously oppose this amendment introduced by the Senator from New Hampshire.

Second, in my understanding in this proposal—by the way, the exclusive private schools cost a lot—I don't know how it is that low-income children are going to be able to afford this, even with the help they get here. This is fantasy land to believe that is the case.

There is not a requirement to accept children, for example, who have special needs. If that is the case, and I believe it is, I oppose this amendment for that reason alone. I do not support public money that is not linked to making sure that every child will be able to benefit, including children with special needs. I have made my case.

One other point. This bill is called BEST. This piece of legislation in its present form so far, beyond testing every child at every grade from grade 3, 4, 5, 6, 7, 8, and telling every school district in every State they have to do it, I see no guarantee anywhere in this legislation that provides any resources to make sure every child will have the same opportunity to learn. I don't see it in this legislation. I don't see it. It didn't happen last week with the trigger amendment on title 1. I am not aware of any agreement with the administration. This is putting the cart ahead of the horse, talking about

vouchers, without making the commitment to public education.

The tragedy is we have plenty of issues in our States, huge disparities of resources between children in more affluent districts and districts less affluent, States that could do better with surpluses, and Minnesota is an example. I cannot believe we are not making more of an investment in education in our own State. But at the Federal level, Senators, we have not even come close to matching the words we speak with the action we are taking. We have not lived up to our commitment to leaving no child behind, which I have said a million times, cannot be accomplished on a tin-cup education budget. That is all we have.

Until we make the commitment to invest in the skills and intellect and character of all children in our country—and it starts with education, which is the foundation of opportunity—I could never support this voucher proposal. I hope it is defeated.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

#### GLOBAL WARMING

Mr. KERRY. Madam President, yesterday President Bush, in the Rose Garden, conducted a ceremony in which he addressed the question of global warming and our environment. There are many issues on the table, obviously, as the President meets in Europe. I don't want to discuss those issues now because the President is abroad, and I think that would not be appropriate.

However, it is appropriate, because the President spoke yesterday about the subject of global warming, and I think it is important to respond to his comments.

Regrettably—I say this with an enormous sense of lost opportunity—the President did not offer our Nation any specific policy as to how he now plans to address some of the basic fundamental, easily acceptable concepts with respect to global warming. The President did accept science at the beginning of his comments, but at the end of his comments again he raised questions about the science, which seems to be the good cop/bad cop aspect of the comments the administration is making with respect to this issue.

The President essentially called for more study and said his administration is currently engaged in a review. Most who have been involved in this issue for 10 years or more and who have accepted the science understand there are a clear set of priorities that do not require a study that effective leadership could immediately move to put into place without an economic downside but with an enormous positive upside for our country and for the globe. More study is good. I am not suggesting there are not elements of this issue where we don't have an enormous

amount of science to still develop. I will talk about that in a moment.

In any system as complex as global climate change, there are uncertainties. Obviously, we have to continue research. However, we will find, I am confident, as the National Academy of Sciences warned last week, that the longer we go without taking the simple, clearly definable steps that there is consensus on among most people who have seriously studied this issue, the more we procrastinate, then the danger is even greater in the long term than we currently understand it to be.

I think it is important to note, there is no way to study yourself out of this problem. Second, even as the President claims what they are doing is simply reviewing the bidding and making sort of a further analysis of what the options are, even as they claim that, the fact is the President is taking precipitous and potentially dangerous and clearly counterproductive steps that will have enormous long-term implications for America's ability to resolve the challenge of climate change.

To underscore this point, the National Academy of Sciences, at the request of the White House, issued a report last week assessing our understanding of climate change. In addition to reaffirming the scientific consensus that climate change is underway and getting worse, the National Academy of Sciences made an extraordinarily relevant observation:

National policy decisions made now and in the long-term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in this century.

Indeed, since the earliest days of the administration, the President has made a series of policy decisions that will profoundly impact our ability to protect the global environment, all the while purporting to be simply studying the issue.

So it is really clear that while the President says they are going to study it, that he has asked for his Cabinet review, and while the President says there are certain unknowns that impact the choices we will make, the President is not neutral in the choices he is making which will have a long-term impact on the choices with which we are left with respect to this issue.

Specifically, while the administration claims to be studying the issue, the President has repeatedly questioned the underlying science of climate change and attempted to reignite the debate over whether the threat is real. This was done despite the fact of the Intergovernmental Panel on Climate Change, a scientific panel founded at the behest of his own father; despite earlier assessments by the National Academy of Sciences; and despite some top government and university researchers in this Nation; and despite personal statements of concern from researchers around the country.

Let me just refer to today's New York Times where there is an article

that says, "Warming Threat Requires Action Now, Scientists Say." I will just read very quickly:

Indeed, to many experts embroiled in the climate debate, the question of how much warming is too much—which has been at the center of international climate negotiations for a decade—now constitutes a red herring. They say it is more important to start from the point of widest agreement—that rising concentrations of heat-trapping gases are warming the atmosphere, and that adding a lot more is probably a bad idea. The next step, they say, is to adopt policies that will soon flatten the rising arc on graphs of global emissions while also pursuing more research to clarify the risks.

Many note that recent studies suggest a fairly high risk of significant ecological harm from a global temperature rise of less than 1 degree Fahrenheit and of substantial coastal flooding and agricultural disruption if temperatures rise more than 4 or 5 degrees in the next century.

Global temperatures have risen 1 degree Fahrenheit in the last 50 years; since the last Ice Age, they have risen about 9 degrees.

The risks are clear enough to justify some investments now in emissions controls, they say.

They say that the general quandary is no different from the kind faced by town officials who must judge how much road salt to buy based on uncertain long-term winter weather forecasts, or by countries deciding whether to invest in a missile defense system that might not ever have to shoot down a missile.

"It's silly to expect that we can resolve what the future is going to be," said Dr. Roger A. Pielke Jr., a mathematician and political scientist at the National Center for Atmospheric Research in Boulder, Colo. "That's like trying to do economic policy by asking competing economists what level the stock market is going to be at 20 years from now."

Yesterday, I was in Boston with a number of extraordinary scientists, among them the Nobel laureate who helped discover the ozone hole, Dr. Jim McCarthy, a professor of biology at Harvard University, and a member of the IPCC working group. He said, imagine yourself as a parent and somebody says to you as a parent: Look, there is a 50-percent chance that your child is going to get cancer from the water he or she has been drinking. But if your child takes this medicine, we know we can reduce the risk. If you don't take the medicine, perhaps your child is going to get the cancer.

Most parents in this country will make the judgment immediately: I want the medicine for my child.

That is exactly the kind of analogy we face today with respect to global warming. We are being told what the probabilities are, about what the consequences will be. We are being told if we take certain actions, we can mitigate it. And we know to a certainty if we do not take those actions, we run the risk that we could wind up with a completely irreversible equation.

We are not talking about something you can suddenly jump in on at some stage later and necessarily remediate—unless, of course, there may be some extraordinary discovery about how you take out of the atmosphere what we are putting into it. But as of this mo-

ment, that remains the most perplexing and complex of solutions at which scientists are looking.

It is far easier and far more attainable to take measures now to try to reduce the level of emissions that we put into the atmosphere and to premitigate, to take the opportunity to reduce and not even do the damage we will do in the first place.

The reason this is particularly compelling is very simple. We know the progressive possibilities, and we recognize there is sort of a law of safety, if you will; sort of a prudent person principle that you would put in place in order to try to avoid a disaster that you may not have any capacity to undo at some point in the future.

We may never know the exact rate of change or the specific impacts and precise human contribution until it is too late to do anything about it. The changes we are causing in the atmosphere, raising atmospheric greenhouse gas concentrations to levels unseen in over 400,000 years, is simply unprecedented. Those who demand that we wait for absolute certainty, starting with the President, should explain how they will reverse the damage that we have caused, how our environment can be made whole again once we have polluted the atmosphere in such a substantial and fundamental way.

Rather than asking us the question, how do you know what the damage will be, when you know that you will create damage, we should be asking them the question, how can you guarantee us that it will not cause the worst scenario that is being predicted. It seems to me the precautionary principle demands we take some kind of actions.

Furthermore, while the administration claims to be only studying the issue, the President has actually reversed the campaign pledge and announced a newfound opposition to capping carbon pollution from power plants, which is the source of one-third of our greenhouse gas emissions.

The idea of a four-pollutant power plant bill has been a bipartisan effort in the Congress. It has industry support. It remains one of our most promising proposals to move ahead in climate change. But it was rejected out of hand by the President only weeks after entering office.

That is not a neutral position. That is not merely studying. That is taking a proactive negative position that has an impact on global climate change.

Further, while the administration claims to be only studying the issue, the President declared the Kyoto Protocol on climate change to be dead, and still calls the agreement fatally flawed. That is not only studying the issue; that is not a neutral action.

That has a profoundly negative impact on global efforts to try to deal with climate change. Whatever one thinks of the substance of the Kyoto Protocol, it is self-evident that the

President's outright rejection of the protocol so quickly with little explanation and with little international consultation, and apparently little considered analysis, was a mistake.

Is the protocol flawed? Yes. Is it fatally flawed? That depends entirely on the willingness of an administration to lead and to fix it.

The President in his Rose Garden statement yesterday referred to the 95-0 vote of the Senate on the Byrd-Hagel amendment as a rationale to say the Senate, as a whole, doesn't believe in this treaty. I was the floor manager on our side for that amendment. I know precisely what the intent was, at least on our side of the aisle, in adopting that amendment. It wasn't that the treaty was so flawed that it couldn't ultimately be made whole and become the instrument which we could ratify with amendment, with further nurturing and with future leadership. We were suggesting that, indeed, it would be wrong to do it without the less developed nations also participating.

The Clinton administration set out over the course of the last 2 years to work with these less developed nations to bring them into the process. That is the unfinished task of the Kyoto Protocol. But it should not allow somebody to define the protocol as automatically dead as a consequence of that kind of deficiency.

In the 17 years I have been in the Congress, and the many years many others have been here longer, there have been countless numbers of treaties that have come to us that we have remedied, that we have put amendments to, and that we have gone back and renegotiated on in order to guarantee they meet our concerns.

This protocol is the product of the work of 160 nations. It is a decade of work. It deserves better than to simply be cast aside by a unilateral action of the United States, particularly in view of the fact that it represents, ultimately, the format on which we are going to have to agree, which is an international agreement to have a mandatory goal which we are going to try to reach together in order to deal with this issue.

While the administration claims to be only studying the issue, the President has proposed a budget to us that slashes Federal support for clean energy technologies, which are a vital component of any plan to mitigate climate change.

The President's budget cuts funding in almost every efficiency program at the Department of Energy, including cuts to appliances, buildings, instruments, and transportation. It cuts support for renewable energy from wind, solar, geothermal, and biomass by about 50 percent—a 50-percent cut. That is not a mere study.

That is a negative action that will have a profound negative impact on the ability of our country to be a willing global leader in developing the technologies and in showing the world our seriousness of purpose in this endeavor.

While the administration claims to be only studying the issue, the President issued an energy plan that by his own acknowledgment does not consider the threat of global climate change. It resurrects an energy policy better suited for the 1970s than the year 2000 and the new millennium. It does more to set limits on America's ability to innovate than it does to inspire the technological advances that can help our economy and our environment.

By one estimate, the President's budget and efforts will increase our greenhouse gas pollution by as much as 35 percent. That is not a neutral, mere study. That is a negative action that will have profound long-term consequences.

Let me read again the crucial observation by the National Academy of Sciences. They said:

National policy decisions made now and in the longer term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in the century.

With all due respect, I think the President has acted and is acting on the issue of climate change in a counterproductive way. I urge him to take the time to reevaluate that budget and to assist us in setting this country on a course of leadership that will help us to prove our bona fides with respect to this issue.

None of us who argue for action are going to suggest that we have all the answers to what is going to happen in the long run. We recognize there are complex environmental, economic, scientific, and diplomatic challenges. But I do know that we need American leadership in order to convince the people we have been working with for the last 10 years that we are, indeed, serious about this issue.

One of the principal reasons we have been unable to bring the less developed countries into this process is because they do not trust us. They do not believe we are serious about this. In the meetings in Buenos Aires, and in the meetings in The Hague most recently, one could not just hear but you could feel the growing anger at the United States for the level of our emissions; and, then, of course, the lack of action that we have taken to try to deal with this challenge.

I simply remind my colleagues that all of the prophecies of a damaging impact on our economy need to be measured against what a lot of big businesses in our country are already doing. British Petroleum will reduce voluntarily its emissions to 10 percent below the 1990 levels by the year 2010. Polaroid will cut its emissions to 20 percent below the 1994 levels by 2005. Johnson & Johnson will reduce its emissions to 7 percent below the 1990 levels by 2010. IBM will cut emissions by 4 percent each year until 2004 based on 1994 emissions. Shell International, DuPont, and others, have made similar commitments. But the predictions of economic calamity from entrenched

polluters are simply not credible when you measure them against the accomplishment of these particular companies.

The problem is that only a small universe of these companies have been willing to adopt any kind of voluntary effort. We applaud their leadership. That is the kind of good corporate citizenship that makes an enormous difference.

The lesson of the last 10 years is you have to have a mandatory structure and a mandatory goal. You can have all kinds of flexible mechanisms. You can use the marketplace in countless numbers of ways to encourage different kinds of behavior. Indeed, we should ask the corporate community to come to the table in ways that they haven't been invited previously and ask them to be part of helping us define the least cost, least intrusive, most efficient ways of dealing with this issue. But unless we set that kind of goal, we are not going to have the credibility to create the framework within which you bring the less developed nations into our fold.

Our country has proven its remarkable capacity when challenged to be able to apply the entrepreneurial skill and the remarkable entrepreneurial spirit of our Nation to accomplishing almost any task. We did that in the measure of World War II when we needed to pursue the Manhattan project and developed the atom bomb itself. We have done it in countless other ways. It is when we unleash our technological capacity that we are at our best. But many times we have to excite the private capital movement to some of those areas by creating the incentives or by encouraging that capital to move those ways. When you slash your budget significantly in ways that reduces that technological organization, you send a counterproductive message to the capital markets which diminish the ability of that spirit to take hold.

I believe we should summon our energy to the effort of challenging our country to, in a sense, view this as sort of a new mission to the Moon, that this should be our effort, that we are going to do the following in the following period of time. We can achieve that by cutting emissions at home. We can commit to drafting an international agreement that is based on these mandatory caps. We can find all kinds of ways to excite achievement to create hybrid cars, alternative fuels, renewable energy, and I think in the end that would be beneficial for all of us.

While the protocol that was created in Kyoto is incomplete, it also represents a remarkable process because it created this mandatory structure. I think most of us would be willing to acknowledge that there is still room for compromise; that we could find the ways through the emissions trading and through the definition of the carbon sinks and other things to be able to come to a final solution with respect to it.



But we have wasted the past decade in a political impasse, and we have failed to do what I think we know how to do best. If we do pursue what I just talked about—providing the economic incentives for the development and proliferation of solar, wind, biomass, hydrogen, and other clean technologies—then we can carry a new message to the rest of the world that takes away the regressive record of the last years and reasserts a kind of credibility that is important to the negotiating process.

I might add, everyone should understand this is not just about global warming. People are always talking about the confrontation between the environment and the economy. But the fact is, we can create tens of thousands of jobs pursuing these alternatives. In addition to that, we would have wide-ranging domestic benefits, including reduced local air and water pollution, preventing respiratory and other illnesses. All you have to do is look at the incidence of child respiratory disease in our country, the increase in the incidence of asthma, including in adults, the remarkable increase in our hospital costs as a consequence of air pollution- and water pollution-carried diseases and illnesses.

We would lessen our dependence on imported oil. We would lessen the pressure to exploit our own natural lands. We would create markets for farmers. We would grow jobs and exports in the energy sector. We would enhance our overall economic strength by strengthening our technological sector. And we would ultimately strengthen our national security as a consequence of these measures.

Those are not small accomplishments, let alone what we would accomplish with respect to global warming. So we have a challenge in front of us. We need to recognize we have been going backwards. We are at 1980 levels in automobiles because of the loophole on SUVs. There are countless numbers of things we could do on building efficiencies in America, countless numbers of things we could do for various engines and air-conditioners, and other emitters of greenhouse gases, if we were to try to apply the technological capacity of our country to that endeavor.

So my hope is this administration will recognize the energy study done 2 years ago which said that if we were to try to implement what we know we can do today—what IBM, Polaroid, and these other companies are doing today—we could, in fact, do so in a way that is completely neutral to our economy. We could have the upside of gains on addressing global warming while having the upside on our economy.

We should begin with steps that benefit the environment and the economy and are technologically achievable today. We can and should increase the efficiency of automobiles, homes, buildings, appliances and manufacturing.

The efficiency of the average American passenger vehicle has been declining since 1987 and is now at its lowest since 1980. That is unacceptable. Our cars and trucks could and should be increasingly more efficient not less efficient. Despite doubling auto efficiency since 1975, we are actually now backsliding. It is time to update national standards for vehicle efficiency. It is time to get more efficient gasoline, diesel, natural gas, hybrid and fuel cell vehicles off the drawing board and onto America's highways. We can do it. We are doing it. Hybrids, once considered exotic, are on the market today getting 50 miles to a gallon.

We can improve the efficiency of residential and commercial buildings. I am a cosponsor of the Energy Efficient Buildings Incentives Act. It is a bipartisan proposal to provide tax incentives for efficiency improvements in new and existing buildings. Once implemented it would cut carbon emissions by over 50 million metric tons per year by 2010 and provide a direct economic savings that will exceed \$40 billion.

We can strengthen efficiency standards for clothes washers, refrigerators, heat pumps, air conditioners and other appliances. Standards issued in 1997 and earlier this year by the Department of Energy must be fully and effectively implemented. The net energy savings to the nation will be \$27 billion by 2030. The environmental benefits include a reduction of greenhouse gas emissions equal to taking more than 14 million cars off the road.

We must push the deployment of domestic, reliable and renewable energy from wind, solar, biomass and geothermal by creating markets and providing financial incentives. Today, California gets 12 percent of its energy from renewable energy while the rest of the country gets less than 2 percent of its electricity from renewable energy. We need to do a better job. Our nation has great potential for wind power—not only in states like North Dakota, South Dakota or Iowa but also in coastal states like Massachusetts. Planning is underway for an offshore wind farm off the coast of Massachusetts that will be generating as much as 400 megawatts of power—enough to power 400,000 homes.

We have only begun to tap the potential of geothermal in Western states and biomass, which can produce energy from farm crops, forest products and waste. But to seize this potential we must create the markets and financial incentives that will draw investment, invention and entrepreneurship. Unfortunately, America is falling behind. One of the challenges in wind development is long delays in purchasing equipment from European suppliers who have the best technologies but also long delays because of rapidly growing demand. I believe American companies should be the technological leaders supplying American projects—instead it's European firms. We must create the market and the incentives

for these technologies and let America's entrepreneurs meet the demand.

Finally, we must look to the long term. If we are ever to convince the developing world that there is a better way, we must create that better way. To do so, we must invest in solving this problem with the same urgency that we have invested in space exploration, military technology and other national priorities. For too long our investments have been scatter shot and poorly coordinated—and lacked the intensity we need. We need a single effort, with strong leadership, that investigates how we meet this challenge and sets a path for a sustainable future.

If we do this, if we act early and invest in the future, I am confident our investment will be rewarded. It will bolster our economy, make us more energy independent, protect the public health and strengthen our national security. Unlike today, America will be the leader in clean energy technologies and we will export them to the world. As America has throughout our history, we will lead in finding a global solution—and we will protect the global environment for generations to come.

That is the challenge. I hope the Senate and House will show leadership in engaging in that effort.

I thank the Chair and I thank everybody else in delaying a little bit. I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 1:04 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

AMENDMENT NO. 536

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire.

I rise this afternoon to express my support for the amendment offered by my colleague from New Hampshire which would create a Federal private school choice demonstration project. This amendment closely tracks choice proposals that I have cosponsored myself, both with Senator GREGG and, before him, with Senator Coats of Indiana.

This is an experimental program. It is designed to test an idea that can help some of our children get a better education. It is focused exclusively on

low-income families. It does not take any money that otherwise would go to our public schools, and it includes a strong evaluation component to determine what impact this program has both on academic achievement of participating students and on the public schools they leave behind.

It constructively answers a question that in too many places has gone unanswered for too long; namely, the question that parents have asked me—and I am sure others in this Chamber—parents whose children are trapped in failing public schools and yet who cannot afford to send them to a nonpublic school that the parents are confident would be better for their children.

How do we answer that question? How do we justify telling them to wait for their public schools to improve when their children may well be grown up or certainly have moved along in the school system by then, and particularly when other parents who can afford to do so are taking their children out of similar public schools?

Those are questions policymakers and politicians and educators around the country have been struggling with for some time. The struggle is a real one. It is based on conflicting values, each of them strong and good, and conflicting loyalties, if you will. We share a common devotion to our public schools and the ideal of equal opportunity that they have made real for so many tens of millions of American citizens. But we also realize, as the underlying bill we are debating now acknowledges, that too many of our public schools, particularly in low-income areas, have not been realizing the promise of equal opportunity, that that promise has become effectively hollow.

On the one hand, we obviously cannot and will not abandon those public schools and certainly not abandon public education in general because it is the great democratizing force in American history. It is the great ladder up in American life. The public schools will always be the primary source of learning for most of our children.

We also don't want to abandon those disadvantaged children trapped in schools that their parents conclude are not adequately educating them and thereby sacrifice their hopes for a better life for their children to our vision of an idealized world.

The answer ultimately is, of course, to make our public schools better. That, as I will state in a moment, is the purpose of the underlying bill. I have struggled with the question and the dilemma, the question that parents have asked, for a long period of time. I have talked to many parents, visited many public schools in Connecticut where a lot of extraordinary good work and reform is going on. I have also talked with parents of children in schools where the kids are not receiving the education the parents believe they deserve and need. And those parents want to take their children and put them in a nonpublic school. I vis-

ited many of the nonpublic schools, particularly in Connecticut—those run by the Roman Catholic diocese in our State; they are run in some of Connecticut's poorest neighborhoods—accepting children. In many cases, most of the kids are not Catholic. The parents are very satisfied with the quality of education those children are receiving.

After all that inquiry, I decided—that this goes back years ago—that school choice is a reform idea worth testing on a larger stage but not the one answer to all of our educational challenges and shortcomings. There is no one answer. This is an idea worth testing. That is when I began working with Senator Coats to develop a national demonstration project very similar—almost exactly similar—to that proposed in the amendment Senator GREGG has introduced today.

It was my belief then, and still is my belief, that we have an obligation to try everything we can to improve educational opportunities for all of our children, to never refuse to open a single door behind which there may be a constructive answer that will help us better educate all of America's children.

The growing national demand for choice has, I believe, helped to awaken us to the educational crisis that has been plaguing our poorest urban and rural neighborhoods. We have watched the standards movement take off in States around the country and listened to Governors and reformers of both parties demand accountability for results, saying we can no longer tolerate failure in our attempts to educate our children.

We have been heartened by the academic achievement gains made in communities all across America. I think of Chicago and Hartford and districts throughout America that were once declared educational disaster areas and today are beacons of hope for the future of our children.

Now we in this body are considering the most sweeping Federal education reform plan in a generation. This has taken on the challenge of ending what the President has called “the soft bigotry of low expectations” and closing the achievement gap into which too many poor minority children are falling. Part of what makes the reform plan in the underlying bill so encouraging is that it provides a series of strong answers to that same tough question I am sure many of my colleagues have heard from parents of children in public schools that they believe are not adequately answering it.

This bill provides answers to that question because it will force districts to take bold steps to turn around failing schools, including radically reconstituting them, converting them into charter schools or, in the worst cases, actually closing them down and opening them as new schools. It will significantly expand the options for poor parents within the public school frame-

work, guaranteeing that their children can transfer to higher performing public schools and providing them with transportation assistance to make that choice meaningful.

For those children who do not or cannot leave a failing school, this bill gives their parents the right to demand outside tutorial or supplemental services to ensure that their children are not being left behind.

The amendment Senator GREGG has offered would offer yet another option in the communities across America chosen to carry out this demonstration project for parents of children in schools that are failing. The fact is that all of the reforms I have described that are in the underlying bill before us are going to take some time to yield results. I am very optimistic about them. But even at the best, we have to be restless and unsatisfied in our continuing pursuit of a better education for our children. The truth is, the journey to a better education for all of America's children has no final destination point; it will go on and on and on.

That is why I support the idea embodied in Senator GREGG's amendment which will test the school choice concept in a way that can benefit all of us who care about our children's education and at the same time provide a short-term educational lifeline for children involved in this demonstration program who are trapped in a school that is found to be failing, according to the accountability provisions of this underlying ESEA reform.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to have an additional moment to finish my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I understand there is no guarantee that if this amendment were adopted, the projects authorized under it would succeed. But that is the very point of the amendment. It is a test. It is saying that we are restless and unafraid in pursuit of the best education for each of America's children.

In fact, the research about the limited voucher programs that exist in cities across America today, such as in Milwaukee and Cleveland, is as controversial, in some ways, as the programs themselves. Some of the evidence is promising, suggesting that private school choice could improve achievement and drive change in the local public schools. And the fact that so much research is in dispute itself is an argument for a larger experiment, a national experiment, fully evaluated and reported on to provide us with better facts, better information, to make more informed judgments as we continue tirelessly, fearlessly, to explore every avenue to a better education for each and every one of America's children.

Mr. President, I will support the Gregg amendment.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

I appreciate the remarks of the Senator from Connecticut. I agree with him that it is time for this amendment to have a test. In fact, I think the vote on this amendment will tell the American people whether we are really serious about reforming education, which is what this legislation really ought to be all about.

I also think it is about which special interests are most exercised. Until now, with only a few exceptions, the amendments to this bill approved by the Senate have increased spending and authorized new spending programs. These are the same measures that have produced generations of less-educated Americans. "After spending \$125 billion . . . over 25 years, we have virtually nothing to show for it." That is a quotation from Secretary Paige. It is what he said when he saw new data showing that 60 percent of our poor fourth graders are still essentially unable to read.

During this debate, the Senate voted to shovel billions of dollars more of taxpayers' money into this failed effort. At last count, measuring spending just on this bill, from last year, \$17 billion spent to approximately \$38 billion, it is well over a 100-percent increase. I think this is the context in which we should consider the amendment of the Senator from New Hampshire.

As pointed out by the Senator from Connecticut, this amendment simply establishes a demonstration program which would allow only 10 localities in 3 States the opportunity to extend school choice to low-income students in failing schools. The cost is \$50 million a year.

Given the colossal spending increases added to this bill over the last few weeks, it is ironic that some still argue that this amendment is denying needed resources to public schools.

No, the opposition to this amendment can only illustrate the truth of George Will's observation that "opposition to school choice is the most purely reactionary cause in contemporary politics."

This is not even a liberal versus conservative issue. Many distinguished voices of American liberalism have broken with the reactionary special interests and embraced school choice.

The list includes—but is not limited to—former Labor Secretary Robert Reich, Pulitzer Prize-winning columnist William Raspberry former Baltimore Mayor Kurt Schmoke, former Congressman Floyd Flake, and the editors of the Washington Post.

Most of these thoughtful observers deviated from liberal orthodoxy be-

cause they realize that their doctrine was hurting poor children.

President Bush has described literacy as "the new civil right." And he is right. When we allow the most disadvantaged to be cheated out of a decent education, we render the promise of equal opportunity hollow.

School choice keeps that promise, not just for the students who are able to exercise choice, but for all the students who attend schools in a community where choice is widely exercised.

My home State of Arizona has been a leader in the effort to provide parents with additional choices in education. Under the leadership of recently departed Superintendent of Public Instruction Lisa Graham Keegan, we have instituted open enrollment, enacted the most liberal charter school law in the country, and restructured state education financing so that education funds follow the student to the institution of his or her choice.

One of the most interesting results is that because families are now empowered to exercise all these new options, the traditional schools are working harder to improve their performance. In response to some new charter schools, one district changed the curricula and other programs and took out ads in the paper to tell parents about efforts to improve upon its already strong academic offerings.

But the competition that the new charter schools created spurred them to do even better. Who benefited? The kids. And after all, isn't that what this is about?

It shouldn't be surprising that improvements resulted when Arizona began encouraging innovation by educators and providing more choice for parents and students.

Our Nation has thrived because our leading industries and institutions have been challenged by constant pressure to improve and innovate. The source of that pressure is vigorous competition among producers of a service or good for the allegiance of their potential consumers.

The alternative is monopoly, and a system that maintains a captive clientele by blocking all the exits, a system within which attempts to provide such an exit—even one so modest as that contained in this amendment—are considered a deadly threat.

We all know that any politician who crosses these reform foes can expect to pay a price.

We all recall how our former colleague Bill Bradley was pilloried in the Democrat primaries for the heresy of supporting proposals just like this one.

Senator Bradley tried to reason with his critics:

Advocates of school choice say that . . . it will create competition that will make the public schools better,

he noted, before concluding:

You don't know that unless you have a test.

The die-hard choice opponents don't want to know. Or perhaps they already do know.

Recently, along with a number of my colleagues, I had the opportunity to hear from Howard Fuller, who served as superintendent of schools in Milwaukee and helped implement that city's path-breaking choice program.

Dr. Fuller is a passionate and eloquent advocate for school choice. He gets to the heart of the opposition when he said:

Parents must be empowered to have their aspirations for their children's education taken seriously by educators. A critical step in that direction is when we give them the capacity to exercise choice. I believe that [currently] our educational systems are . . . organized to protect the interests of those of us who work in these systems, not the needs and interests of the families we are supposed to serve. . . .

When we vote on this amendment, the Senate will decide: Is our purpose to protect the special interests or is it to protect the interests of American students and their families?

The choice is clear.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I hope we will consider seriously this pending amendment and the implications.

To clarify some of the record in terms of statistics that have been thrown about during this debate, there was mention on the floor early today that 63 percent of the American people support vouchers. The exact number is 63 percent support public school vouchers. The implication that this is 63 percent supporting vouchers to private schools is not an accurate figure at all.

The national exit polls in November showed by nearly an 80-percent margin Americans prefer investments in public schools to vouchers.

The State of California rejected its voucher referendum 71-29. Latinos rejected it by a higher margin, 77-23. Michigan rejected its voucher referendum 69-31. African Americans rejected it by a higher margin, 75-25. The notion that this is a concept that is supported by the American public or that has gone on trial is not the case.

Normally, one might ask, what is wrong with a demonstration program, with a budget of multibillions of dollars; why not take \$50 million and put it into a demonstration program to determine whether or not something like this works?

First of all, I suppose, only in Washington would a person consider \$50 million an insignificant amount of money. Particularly when we are trying to get funding for title I and special education and a variety of other needs out there, \$50 million may make a significant difference.

Putting aside the size of the amount being asked for, this is not a new idea. It is not an untested idea. Every place it has been tested it has not worked. Those are the facts.

States, counties, cities, have tried vouchers. There is no research that

voucher students outperform public school students or that voucher programs improve public schools at all. Instead, vouchers take scarce resources from public schools that desperately need them. Remember, as we debate this issue, 55 million children went to school in America today; 50 million went to a public school; 5 million went to a private or parochial school.

The idea that we will take every desiring public school student and put them into the structures that accommodate private school students is ridiculous on its face.

Although this is a pilot program, there are those who would make this a full-scale program if they could. This is, of course, to get \$50 million in the door to demonstrate in a sense that we ought to try this as a national scheme and underwrite people's desires to send their children to private or parochial schools. So the 50 million kids who are going to schools need to know whether or not we will be doing what we can to improve the quality of public education. That is where our primary responsibility is when it comes to elementary and secondary education needs.

What will help public schools, in my view, is not vouchers but better qualified teachers, smaller class size, safe and modern facilities, programs to increase parental involvement, and more afterschool programs. Even if every available space in private schools were filled by a transfer student from a public school in America, only 4 percent of the public school students would receive a voucher under the maximum set of circumstances. Which 4 percent will it be? Who makes that choice? It will not be a kid who can be a bit of a problem. Unlike a public school, a private school can cherry-pick who they want to have, who they don't want to have, who they want to reject, who they like or don't like. That is their right. I never fault or suggest that a private or parochial school ought to accept everyone who applies. So when you are setting up a private school program, many of which, by the way, cost hundreds and hundreds of dollars—the idea that somehow we are going to have a meaningful voucher program for some desperately poor black child growing up in a ghetto somewhere to go to the Taft School in Connecticut or some private institution is foolish, in my view. We are talking about a fraction, even if you had a national program here, a fraction of the students who would qualify.

Vouchers do not even provide a choice for many of the students who are eligible for them. Unlike public schools, private schools are not required to accept all students, nor is there any evidence that the few students who are able to use vouchers to attend private schools outperform public school peers. The most comprehensive study of the first 5 years of the Milwaukee voucher program showed no achievement differences between

voucher students and public school students, not any after 5 years.

I ask for 2 additional minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. In fact, this is why I made the statement I did at the outset. This is not uncharted waters at all. Mr. President, 30 years of research suggests that when background conditions and other factors are taken into account there are no significant differences in achievement between public and private school students. Supporters of vouchers also suggest that competition from vouchers will improve public schools; that competition will shake out the bad schools.

I am all for business models in a lot of areas, but education is not widgets. The business model starts with a premise that there are winners and losers. An educational model that starts with that premise is not consistent with leaving no child behind. We cannot afford for any school or any child to be a loser. We cannot guarantee there will be winners, but we ought to be able to guarantee an equal opportunity to win. The idea that some are just going to fail and that's the way life is is not the way we ought to be dealing with elementary and secondary educational needs.

I do not think we can afford for any school or child to be a loser in America. Just as there is no reliable research suggesting that voucher students outperform their peers, there is no reliable research that suggests that voucher programs improve public schools either. We know what does improve them: additional resources, better teachers, smaller class size, curriculum, model schools. Those are the things that make a difference. We do not need a Federal demonstration program to learn about voucher programs or about what is necessary to improve public schools. We already know that we do not improve public schools by draining away desperately needed resources and undermining public support for those schools.

Mr. President, I urge our colleagues to look at what the record has been on this issue. It has been developed. It is not new.

I have great respect for what private and parochial schools do. They make a significant contribution. But the idea somehow we are going to fund two school systems in America is unrealistic. We do not do a very good job at the one we have. The idea somehow we are going to underwrite two is terribly naive and detracts from the resource allocation we need in order to try to make those schools that are in trouble receive the kind of support they ought to be getting.

For those reasons, I urge our colleagues to reject the Gregg amendment.

I yield the floor.

Mr. KERRY. Mr. President, I am concerned by some of the major distor-

tions of fact that have occurred during today's debate. Some Senators have erroneously cited polling data to buoy their claims that a majority of Americans support school vouchers. A closer look at some recent trends show otherwise.

I have heard some of my colleagues cite a National Education Association poll suggesting that 63 percent of Americans favor voucher programs. That is just plain wrong. In fact, that poll demonstrated that 63 percent of Americans favor public school choice—not voucher programs. There is a huge distinction there, and I am surprised that my colleagues are not a little more cautious in discussing these two very separate ideas. As we all know, public school choice allows students and parents the opportunity to participate in charter schools, magnet schools or even just another public school in the same district. Public school choice does not involve private schools at all. I should also point out that public school choice has been strongly endorsed in this bill, and I congratulate the many hands who helped shape this legislation to include a provision that support public school choice programs.

In the 2000 election, two States overwhelmingly rejected referendums on funding voucher programs. Californians rejected vouchers by 71-29 percent, while Michigan voters rejected vouchers by 69-31. Since some of my colleagues raised race as an issue in this debate, I would also add that minorities in both States rejected vouchers in numbers that far exceed the aggregate State totals. Wolverine State African Americans, for example, voted against the voucher referendum by a margin of 3-1.

The much-heralded Milwaukee voucher program has also recently come under scrutiny. Students participating in the public school's SAGE program—which includes smaller class sizes, rigorous curriculum and assessment, access to after school programs and increased professional development—have tested better than kids in voucher programs.

So with those points made, I would like to address a couple of other arguments that have been made this morning. Even as proponents tell us that vouchers improve public schools, reality tells us otherwise. The Milwaukee and Cleveland voucher programs—which cost \$29 million and \$9 million, respectively—do not cover the complete cost of private school tuition for the relatively few students served by the programs. Private schools can also reduce their budgets by not offering health services, breakfast and lunch programs, counselors, or services to special needs students. For less than the cost of either voucher program, other programs, such as the Success for All program, could be implemented in city public schools, thereby benefiting all children in the school district.

Voucher programs create the potential for discrimination. Awarding a

voucher to a family does not guarantee that the student will be accepted into a private school. While Milwaukee schools may not discriminate against disabled students, there is no requirement that they provide special education services. Likewise, private schools are not required to provide needed services to low-English proficient students or chronically disruptive students.

Finally, I take issue with colleagues who cry for accountability in our public schools, then blithely support voucher programs. I believe that our schools absolutely must be accountable for their students. But the enduring legacies of the Cleveland voucher experiment may well be bad budgeting and misspent funds rather than better results for students. A 1997 independent financial audit found that \$1.9 million had been misspent, including \$1.4 million paid to taxi companies transporting students to voucher schools. Since 1997, program officials have uncovered more than \$400,000 in taxi fares were billed on days when the students in question were absent.

Worse even than the taxi fiasco, in 1998, the program ran 41 percent over budget, forcing the State of Ohio to take \$2.9 million from public school funds to cover the overruns. That is \$3 million coming out of the State public school coffers to fund a program that, like today's amendment, was not supposed to "take money out of the public schools."

No one wants to improve schools in the poorest parts of America more than I do. But voucher programs are not the way to accomplish this very worthwhile goal. We simply do not have the resources to spend millions of dollars on a few students at the expense of the 90 percent of American children who attend public schools. So I urge my colleagues to reject this amendment and instead to support greater investment in our public schools.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I warmly endorse the comments of the senior Senator from Connecticut. As always, he is spot on with his analysis, and his point with regard to the Gregg amendment, which I strongly oppose, is exactly where I think we should come out.

Although I commend the author and supporters of the amendment for their concern about low-performing schools, I believe this amendment is misguided because it would undermine the public education system that is the very tie that binds our society.

I encourage the authors to show their passion to improve our poor-performing public schools by fully resourcing those proven initiatives that will change failed schools.

Mr. President, 90 percent of our children attend public schools. As our Na-

tion becomes increasingly diverse—my State, in particular, is blessed with incredible diversity—our public schools continue their fundamental purpose of uniting Americans while providing every child with the opportunity to succeed. That must be our mission—our passion. The availability of quality public education for all is defining to America's democracy.

If we adopt this vouchers measure, we would drain limited resources from our public schools and send a signal that we are prepared to erode the historical purpose and position of public education in America.

Much of the debate around vouchers is about choice. But the choice inherent in any vouchers proposal is false, meaningless choice.

Contrary to the rhetoric, vouchers would not ensure parental choice, because private schools can and do reject applicants for private reasons—including disability or language skills.

In fact, the only real choice vouchers will create is in the hands of the private schools.

That means that a child with limited English proficiency—let's keep in mind that there are over 4.1 million of such children in our schools—would not have a meaningful choice. That means that a child with learning disabilities wouldn't really have a meaningful choice. These children with unique educational needs—who most need the promise of a quality education—would often be left behind in schools we deem to be failing.

Vouchers are also a false choice because the amount being offered is too little to be meaningful. How many families, making \$32,000 or less, actually have the additional funds to allow them to take advantage of vouchers. What is the practical reality here?

In addition to vouchers setting up a false choice, vouchers provide no accountability. Now, I have been listening to much of the debate on this education bill, and one of the main themes has been about accountability. I support accountability. As a former businessman, I appreciate the importance of monitoring the success or failure of our investments.

But this voucher proposal provides no accountability. Under the proposal, we would divert critical public resources without any public oversight. This proposal would thus undermine the progress we are making towards increased accountability.

The incredible fact in this debate is that the evidence does not show that vouchers work. Experiments have shown that vouchers do not help improve student achievement. A University of Wisconsin-Madison professor found that there were no achievement differences between voucher student and comparable Milwaukee public school students.

Princeton University Professor Cecilia Rouse found that students in a special Milwaukee program that used extra resources to reduce class sizes

outperformed both regular public school students as well as voucher students in both reading and math.

The evidence also shows that vouchers do not reach the students most in need. Finally, they do nothing to help the public schools that are left behind to educate the vast majority of our children.

We are unfortunately operating in a time of limited resources. More limited now that we have made the choices we've taken on the recent tax cut.

We are underfunding title I, the critical engine of reform for our low-income school districts. Two-thirds of the eligible kids are left out. Similarly, we have been shirking the Federal Government's responsibility in fully funding IDEA, education for the disabled.

Just when we should be putting increased resources in our public schools—so that our reform efforts can be meaningful, and so that we can ensure that the children who need our help the most, get our help—we should not be siphoning critical funds to fund vouchers. If we want to reform schools, we need to provide those schools with real resources, not deprive them.

We have heard a lot of rhetoric lately about the need to ensure that no child is left behind, and about the need for school reform. But we must put our money where our mouth is, because reform without resources is a charade.

Even though supporters will argue that this proposal would not take away funding from the title I program, any money spent on vouchers is money that could and should be used to bolster our public schools.

We know what works. A good teacher in every class is the most important single factor in the quality of a child's education. We can do everything else right, but if we don't have good teachers, the educational system just won't work. That's why it is critically important that we provide real resources to attract and retain quality teachers, and to help teachers develop their skills.

We also know that smaller class sizes work. It's abundantly clear that smaller classes are better for children, and we've started to make progress in recent years. But we have not gone far enough. In my view, that's a serious mistake.

We also know that our children must go to school in safe modern school buildings, and that's why I have been fighting to modernize our schools.

In sum, there is no evidence that vouchers work. They do not provide a meaningful choice to families who struggle to ensure that their children receive a quality education.

And by diverting funds we undermine our other reform efforts and put at risk those who remain in our public system.

We should not give up on our public schools. I urge my colleagues to oppose this amendment.

Mr. GREGG. Mr. President, I yield to the Senator from Pennsylvania 8 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. I thank my colleague from New Hampshire.

I have listened to the remarks and to the complaints of those who are going to vote against this amendment. First, they say it is not going to work; that the only program out there that is in fact in place right now is Milwaukee. Yet the superintendent of the Milwaukee school districts has come to Washington, DC, over the past few months and pleaded for us to pass this proposal because he and the poor people of Milwaukee whose children don't have an opportunity to get a good quality education in the existing school system want this program. It is the ultimate accountability.

We don't have accountability. When you have the dollars and you can take them to this school or to that school, that is accountability. There is no accountability in the public system because there is no choice in the public system. Your child is trapped in the school if you have low income. The child is trapped in the school to which they are designated to go. Therefore, accountability is just simply a check sheet that you have to fill out for some government bureaucracy. But there is no accountability to the consumer of the product. Isn't that what we are talking about? The consumer is the child.

We worry so much and talk so much. By the way, I know people are concerned about the money. This bill under consideration, to my understanding, increases the amount of money we are going to spend on education by over 100 percent. To suggest somehow or another that we have been parsimonious with the money we are throwing around here for education is somewhat disingenuous. Hundreds of billions of dollars are being authorized for this legislation. We are looking at \$50 million for a pilot program.

What are people afraid of? Are you afraid this program will actually work? And if it does, it makes these hundreds of billions of dollars we are spending look as if we didn't know what we were doing. Are you afraid that it won't work and that there are some children right now who are getting a poor education who will continue to get a poor education?

There is no down side for these people. They are saying, if it doesn't work, we are no worse off than we are today. If you as the mother or father of a child in a poor school district want to give your child a chance, at least you are giving them hope of improving their situation. Hope is a powerful motivator. What are we afraid of? What are we afraid of?

Hundreds of billions of dollars are being pumped into our educational institutions through this bill, and we are running for the hills because there is \$50 million for pilot programs that only go into effect if the Governor and the people in the local community want it.

Let me underline that again. There is not a Federal mandate on any State. There is not a Federal mandate on any school. This says, if you are a Governor and you want to work with your cities—principally there are going to be cities that are underperforming and leaving children behind—we are going to give you a chance, with some Federal dollars, for you and the school district to innovate and to do something very different that might change a child's life.

We talk about leaving children behind. The Senator from Connecticut said we cannot afford to have any child be a loser. You make the assumption that there are no losers in the current system. Let me assure you that we have lots of losers when it comes to having the opportunity to get a good education in this country. Lots of children are losing out on the opportunity to get a good education in this country.

For us to say we are not going to give caring Governors, caring superintendents, school boards, and parents the choice of doing something different for children who are right now losing out because of fear that it might work—let me get to the bottom line—isn't that what it is all about? Aren't we really afraid this might work? Because if we are afraid it is going to fail, that child who is losing under the current system right now is going to be no worse off.

Aren't we really afraid of success here? What we have been talking about—these glorious proclamations we have made about how we are going to improve the quality of schools and change the system and how we are going to be the savior of education—can all come down to the fact that we just haven't been giving the right incentives to parents and kids to get the kind of education they want, that we haven't upgraded a system that has ultimate accountability.

The ultimate accountability is that you can walk with your money. Isn't that what we are afraid of? I think it is. I think it is a great fear of giving up control.

The big problem is my life; I don't want to give up control. I want control over every aspect of my life. One of the things I have found is that sometimes, by giving up control, wonderful things can happen. Whether it is the State, whether it is the local school board, or whether it is the Federal Government, we want control of every little aspect, all the way down to making sure we have our hands in everything, and to make sure everything is run right. We control all of it. We feel good because we are doing something about it.

But I think all of us know in our own lives that when we try to micromanage control, everything gets screwed up, particularly when you are doing it from Washington, DC, in every little city and school district.

We are talking about a child here. We are not talking about children. It is wonderful to talk about children. I am

talking about a child, because you know that if you are a mother sending a child to a poor school, you are worried about that child.

What does this have to do with my child and my child's education? I don't care whether you are controlling all of this. All I want is to give my child a chance. That is what this bill does. This amendment gives my child—mine—a chance—not children, my child.

We are afraid of that. We are afraid to give parents the chance to care for my child. We want to care for children because we know best—because, of course, we are smarter than all the people who worry about their child. We know best. So we are going to dictate to you every step of the way as to where the billions of dollars go; \$50 million for a little pilot project that says we are going to give you the ability to take care of your child; we are going to give up control of your child; they say: Oh, no, we cannot do that. It is too risky. There might be a loser out there somewhere.

The PRESIDING OFFICER. The Senator has used the 8 minutes yielded to him.

Mr. SANTORUM. Thank you, Mr. President. I ask the question finally: What are we afraid of?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Pennsylvania for his strong and very effective statement in support of this amendment. I appreciate it.

I understand Senator KENNEDY is going to close on his side, and I am going to close on my side, and we will be ready to vote. My closing will be a little shorter than his closing because I have no more time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, I have 6 remaining minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. KENNEDY. I ask the Chair to remind me when I have 30 seconds remaining.

Mr. President, I think we have had a good debate and discussion, and perhaps the best presentations of differing views on this matter during the last several hours.

I want to summarize the reasons I am strongly opposed to this amendment. We are talking about scarce resources. The case is made that this really isn't money that is going to be used for education. That doesn't really stand. I think most of us who are opposed to this amendment believe that if we have public money, we ought to invest it in the areas where public school children can benefit.

The theme of this legislation is to try to take tried and tested ideas and to make them available to the local communities and give those ideas that



have been tried and tested some additional incentives with financial support in order to enable the most challenged children and the neediest children in our society to make progress.

We are committed to it. This legislation is to use tried and tested techniques in order to enhance that possibility. I think over the period of this debate we have demonstrated that these voucher programs that have been tried, whether it was in Milwaukee, Cleveland, or other communities, have not really provided effective enhancement of the children's ability to learn.

Now, just finally, I have listened to the Senator from Pennsylvania. This isn't about a child's choice. We have to understand this. The voucher issue isn't about the choice of a child. It is the choice for the school. That is a major difference.

To try to represent to families all over this country that if this amendment is adopted, and their child is caught in a particular school, that parent will be able to take that child out and go to another school is wrong. That child's school will make a determination based upon their own considerations whether to admit that child.

The Senator from New Hampshire is going to modify his amendment to make sure children who have some disability or special needs will be able to be included, and that children can be selected on the basis of lottery. Still, it will be up to the school, but that is certainly an improvement.

Let me read from the Department of Education's study about the private schools and accepting students with special needs:

A policy of random assignment could mean that participating schools would accept any student who was assigned, including students with learning disabilities, limited English proficiency, or low achievement. However, when the private schools were asked specifically about a transfer program that would require participating private schools to accept such students, their interest in participating declined further. Under this circumstance, only 15 percent of the schools said they would be definitely or probably willing to participate. . . .

There is the answer. Fifteen percent are willing to take children who have some kind of special needs.

Secondly, in this report, in relation to participation in State assessments, 42 percent of the schools said they would be unwilling to participate.

Listen to this:

Permit exemptions from religious instruction or activities. Very few religious schools would be willing to participate in a transfer program if they were required to permit exemptions from religious instruction or activities. Eighty-six percent of the religious schools are unwilling to participate under this condition.

There is no provision for that in the Gregg amendment, absolutely none. If a child is admitted, finally, on a lottery provision and goes to a particular school, they are going to have to attend the religious ceremonies in that school. At least 86 percent of the schools will require it.

Milwaukee did not do it. They had a provision that excused it. Not in the Gregg amendment. This is not well thought through. The Senator says that hard-pressed parent out there, that single mom, is going to have a choice. That is baloney. That is not true.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. The school is going to make the decision. It is going to be as true as I am standing here, that if that child has special needs, there is no sense in applying; if that child has limited English, there is no sense in applying; if that child is a homeless child, there is no sense in applying. That is the record. That is why we should reject this amendment.

Let's take scarce resources and invest them where they should be invested; and that is in tried and tested programs that will enhance the children's academic achievement in the public schools of this country.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 14½ minutes.

Mr. GREGG. Tried and tested programs, that is a fairly unique way to describe a program that has left literally hundreds of thousands of children behind. The average low-income child in this country today, in a fourth grade class, reads at two grade levels less than their peers. Only half of those kids even graduate from their high school. They have been left behind. That is the whole point. That is why parents in inner-city schools want to have the opportunity to have some options.

That is why when the Children's Scholarship Fund put up some money and asked if there was anybody out there who wanted to go to a different school, you had literally thousands, actually 1.3 million children applying for those 40,000 slots which were limited to low-income kids.

That is why the Milwaukee school system has found it to be so successful. That is why Florida has found it to be so successful. Because it is the low-income children—specifically, the children of parents who in many instances are single moms—who have been locked into schools that have failed year after year after year, who have no options because the schools will not improve. No matter how much money we put into the schools, they simply will not improve. That is why those parents want another opportunity.

Let me read from a couple of statements made by some of these parents. We have Carol Butts, from the Milwaukee schools:

When my daughter Evan finished fifth grade in the Milwaukee public school system, she could not multiply; she couldn't even write. Our family has limited income,

so we didn't have too many choices. When I learned about the Milwaukee Parental Choice Program, I was ecstatic. In two years there, her school work has really improved.

These are specific cases.

Tracy Richardson:

I first looked at three public school options. Classes were unruly. A magnet public school was better, but there was a waiting list. . . . I ended up using the A+ program to choose Montessori Elementary School. It has improved my child's learning immensely.

Tony Higgins:

The Milwaukee program let me choose schools that I think are best for my girls. I believe both of them will have a choice to go on to college because of the voucher program.

These are real people who were locked into inner-city schools who did not have the option for education that those folks who have more money have, who were seeing their kids left behind. All they wanted for their children was a decent education. So through choice programs, in Milwaukee, Ohio, and Florida, a few parents have had that opportunity.

This idea that choice does not work is just a lot of hokum. It is a straw dog. A study by Kim Metcalf at Indiana University, the official evaluation of the Cleveland program in Ohio, found statistically significant gains in the test scores of students who were on vouchers. A study by Jay Greene and Paul Peterson found statistically significant math and reading score gains in the Milwaukee school voucher system. A study by a Princeton group found quite large statistically significant math gains for the Milwaukee Choice Program. Study after study has proven these programs work.

The idea that the other side has promoted, which is totally elitist, which is the problem, of course—opposition to the concept of choice is elitist by definition—is that we know best for parents—these parents whose children are locked in these schools and want to get out, we know best for them.

How outrageous that we stand in this Senate Chamber and do not give parents an option to allow their children to compete for the American dream.

The niece of Dr. Martin Luther King had it right. This is a civil right that we are talking about. The right to have a decent education is a civil right. When we year after year after year put children in schools that fail, we deny them that civil right.

This amendment is very simple. It is very small. It is very focused. Ten school districts across the country get the opportunity to participate, if they wish. Then the only parents who can participate are parents of families with \$32,000 of income or less who are actually having their kids attend schools where for 3 years those schools have been defined as "failing." And then, in order to protect the system more and assure fairness, we say the students who go to the private schools will be chosen by lottery. So there isn't any creaming or any attempt to skew the system.

In addition, we have language in this amendment that specifically says there can be no discrimination. That has been a straw dog that has been put up on the other side that if anybody bothered to read the amendment they would have seen did not apply.

Then we put in very tough evaluation standards to see whether or not the system works, to see whether or not private school choice works.

So what is there to fear from the other side? What is it that they fear? I think the Senator from Pennsylvania had it right. They fear that parents may actually choose to send their kids to a private school and that that may actually produce children who are actually competitive academically and who have a shot at the American dream, and it may—and this is what is really feared—put pressure on the public school system to change. It may threaten those unions which for years have told us that mediocrity works; that if we dumb down, it is acceptable; that we can have failed schools as long as we pay a union wage.

They fear this may actually disrupt the public school system. Should we not disrupt the public school system where year after year the schools have failed? Of course, we should. We should improve it. The way you improve it is to bring competition into the system, which is what this amendment does.

I go back to my experience as a child when I saw that elected official, the Governor of a State in our country, standing in the doorway of a school in Arkansas, I believe, unfortunately. I know my colleague from Arkansas opposed that aggressively and is glad that it is no longer the situation there. When that Governor stood in the door of that school and the Army had to come to allow a child to go into the school, that was an imprint on my youth. That is one of those visual things one remembers. I just couldn't understand how that could happen in our country, how somebody could block a child from going to school.

What is happening today is there are people standing in the school door of failed schools, of schools filled with drugs and violence, schools where they do not teach, schools where children from year to year shuffle from classroom to classroom and cannot learn and are not allowed to learn and who, therefore, cannot participate in the American dream. We have people in this Congress standing in the doorway, blocking that doorway from allowing those children to leave that school and go across the street and participate in a school where they will learn and have the opportunity to participate in the American dream. It is an irony which has to disappoint us all.

Choice, portability, vouchers, to use the pejorative term, what is it all about? It is all about one thing: It is about children, giving America's children an opportunity to learn. It is especially about low-income children, locked in the inner city, whose only

way out of their situation is education. When we deny them this choice, we deny them the opportunity to participate in the American dream.

That is not right and it is not fair. This minor exercise, in the sense of funding and in the sense of scope, should not be viewed with such antipathy from the other side. Rather, it should be viewed as an opportunity to see whether or not the arguments they make so aggressively are valid. If they have the courage of their position, they should allow this demonstration program to go forward because they will prove that it fails. In any event, they will have spent \$50 million on at least improving a few children's opportunities to learn.

I can't understand why it is opposed, but I can understand this: If we do not get on the path of correcting these failing schools, and we do not get on the path of giving children in those schools options to learn in an environment which is conducive to learning, then we will lose another generation. As a nation, we can't afford that.

It is my hope that this amendment will be accepted, and I look forward to the vote.

#### AMENDMENT NO. 536, AS MODIFIED

Mr. GREGG. Madam President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to modification of the amendment?

Without objection, it is so ordered.

The amendment (No. 536), as modified, is as follows:

On page 628, between lines 9 and 10, insert the following:

#### “Subpart 4—Low-Income School Choice Demonstration

##### “SEC. 5161. LOW-INCOME SCHOOL CHOICE DEMONSTRATION.

“(a) SHORT TITLE.—This section may be cited as the ‘Low-Income School Choice Demonstration Act of 2001’.

“(b) PURPOSE.—The purpose of this section is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

“(c) DEFINITIONS.—In this section:

“(1) CHOICE SCHOOL.—The term ‘choice school’ means any public school, including a public charter school, that is not identified under section 1116, or any private school, including a private sectarian school, that is involved in a demonstration project assisted under this section.

“(2) ELIGIBLE CHILD.—The term ‘eligible child’ means a child in grades kindergarten through 12—

“(A) who is eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964;

“(B) who attended a public elementary or secondary school, or who was not yet of school age, in the year preceding the year in which the child intends to participate in the project under this section; and

“(C) who attends, or is to attend, a public school that has been identified as failing for 3 consecutive years under section 1116 or by the State's accountability system.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public agency, institution, or organization, such as a State, a State or

local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

“(A) receive, disburse, and account for Federal funds; and

“(B) carry out the activities described in its application under this section.

“(4) EVALUATING ENTITY.—The term ‘evaluating entity’ means an independent third party entity, including any academic institution, or private or nonprofit organization, with demonstrated expertise in conducting evaluations, that is not an agency or instrumentality of the Federal Government.

“(5) PARENT.—The term ‘parent’ includes a legal guardian or other individual acting in loco parentis.

“(6) SCHOOL.—The term ‘school’ means a school that provides elementary education or secondary education (through grade 12), as determined under State law.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out this section.

“(e) PROGRAM AUTHORIZED.—

“(1) RESERVATION.—From the amount appropriated pursuant to the authority of subsection (d) in any fiscal year, the Secretary shall reserve and make available to the evaluating agency 5 percent for the evaluation of programs assisted under this section in accordance with subsection (k).

“(2) GRANTS.—

“(A) IN GENERAL.—From the amount appropriated pursuant to the authority of subsection (d) and not reserved under paragraph (1) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out not more than 10 demonstration projects (which may include 1 state) under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

“(B) CONTINUING ELIGIBILITY.—The Secretary shall continue a demonstration project under this section by awarding a grant under subparagraph (A) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this section for such preceding fiscal year.

“(3) USE OF GRANTS.—Grants awarded under paragraph (2) shall be used to pay the costs of—

“(A) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with subsection (i)(1)(A), if any, for their eligible children to attend a choice school; and

“(B) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides education certificates under this section or 10 percent in any subsequent year, including—

“(i) seeking the involvement of choice schools in the demonstration project;

“(ii) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

“(iii) making determinations of eligibility for participation in the demonstration project for eligible children;

“(iv) selecting students to participate in the demonstration project;

“(v) determining the amount of, and issuing, education certificates;

“(vi) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

“(vii) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in subsection (k).

“(4) CIVIL RIGHTS.—

“(A) IN GENERAL.—A choice school participating in the project under this section shall comply with title VI of the Civil Rights Act of 1964 and shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this section.

“(B) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

“(i) APPLICABILITY.—With respect to discrimination on the basis of sex, subparagraph (A) shall not apply to a choice school that is controlled by a religious organization if the application of such subparagraph is inconsistent with the religious tenets of the choice school.

“(ii) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

“(iii) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to prevent a parent from choosing, or a choice school from offering, a single-sex school, class, or activity.

“(C) REVOCATION.—If the eligible entity determines that a choice school participating in the project under this section is in violation of subparagraph (A), then the eligible entity shall terminate the involvement of such schools in the project.

“(f) AUTHORIZED PROJECTS; PRIORITY.—

“(1) AUTHORIZED PROJECTS.—The Secretary may award a grant under this section only for a demonstration project that—

“(A) involves at least one local educational agency that receives funds under section 1124A; and

“(B) includes the involvement of a sufficient number of choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to demonstration projects—

“(A) involve at least one local educational agency that is among the 20 percent of local educational agencies receiving funds under section 1124A in the State and having the highest number of children described in section 1124(c);

“(B) that involve diverse types of choice schools; and

“(C) that will contribute to the geographic diversity of demonstration projects assisted under this section.

“(g) APPLICATIONS.—

“(1) IN GENERAL.—Any eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) information demonstrating the eligibility for participation in the demonstration program of the eligible entity;

“(B) with respect to choice schools—

“(i) a description of the standards used by the eligible entity to determine which schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children consistent with state law;

“(ii) a description of the types of potential choice schools that will be involved in the demonstration project;

“(iii)(I) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

“(II) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

“(iv) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this section than the choice school does for other children;

“(v) an assurance that each choice school will admit children on the basis of a lottery;

“(vi) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this section, an educational program similar to the educational program for which such choice school will accept such education certificates;

“(viii) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

“(viii) an assurance that choice schools will accept the amount of the scholarship as full payment of tuition and fees;

“(C) with respect to the participation in the demonstration project of eligible children—

“(i) a description of the procedures to be used to make a determination of eligibility for participation in the demonstration project for an eligible child, which shall include—

“(I) the procedures for obtaining, using and safeguarding information from applications for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964; or

“(II) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility for such participation for an eligible child;

“(ii) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will give priority to eligible children from the lowest income families;

“(iii) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

“(I) the number of parents provided education certificates under this section who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

“(II) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this section; and

“(iv) a description of the procedures to be used to ensure compliance with subsection (i)(1)(A), which may include—

“(I) the direct provision of services by a local educational agency; and

“(II) arrangements made by a local educational agency with other service providers;

“(D) with respect to the operation of the demonstration project—

“(i) a description of the geographic area to be served;

“(ii) a timetable for carrying out the demonstration project;

“(iii) a description of the procedures to be used for the issuance and redemption of education certificates under this section;

“(iv) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this section for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

“(v) a description of the procedures to be used to provide the parental notification described in subsection (j);

“(vi) an assurance that the eligible entity will place all funds received under this section into a separate account, and that no other funds will be placed in such account;

“(vii) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

“(viii) an assurance that the eligible entity will cooperate with the evaluating entity in carrying out the evaluations described in subsection (k);

“(ix) an assurance that the eligible entity will—

“(I) maintain such records as the Secretary may require; and

“(II) comply with reasonable requests from the Secretary for information;

“(x) a description of the method by which the eligible entity will use to assess the progress of participants in math and reading and how such assessment is comparable to assessments used by the local educational agency involved;

“(xi) an assurance that if the number of students applying to participate in the project is greater than the number of students that the project can serve, participating students will be selected by a lottery; and

“(x) an assurance that no private school will be required to participate in the project without the private school's consent; and

“(E) such other assurances and information as the Secretary may require.

“(h) EDUCATION CERTIFICATES.—

“(1) IN GENERAL.—

“(A) AMOUNT.—The amount of an eligible child's education certificate under this section shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

“(B) CONSIDERATIONS.—

“(i) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this section an eligible entity shall consider—

“(I) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

“(II) the cost of complying with subsection (i)(1)(A).

“(ii) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this section was attending a public school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this section the eligible entity shall consider the tuition charged by such school for such eligible child in such preceding year.

“(C) SPECIAL RULE.—An eligible entity may provide an education certificate under this section to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly

attributable to the eligible child's participation in the demonstration project or the cost of complying with subsection (i)(1)(A).

“(2) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this section to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with subsection (i)(1)(A).

“(3) MAXIMUM AMOUNT.—Notwithstanding any other provision of this subsection, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

“(4) INCOME.—An education certificate under this section, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

“(i) EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.—

“(1) EFFECT ON OTHER PROGRAMS.—

“(A) IN GENERAL.—An eligible child participating in a demonstration project under this section, who, in the absence of such a demonstration project, would have received services under part A of title I shall be provided such services.

“(B) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

“(2) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this section may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

“(3) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 9(b)(2)(C)(iii) and (iv) of the Richard B. Russell National School Lunch Act, information obtained from an application for free or reduced price meals under such Act or the Child Nutrition Act of 1964 shall, upon request, be disclosed to an eligible entity receiving a grant under this section and may be used by the eligible entity to determine the eligibility of a child to participate in a demonstration project under this section and, if needed, to rank families by income in accordance with subsection (g)(2)(C)(ii).

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Information provided under this paragraph shall be limited to the information needed to determine eligibility or to rank families in a demonstration project under this section and may be used only by persons who need the information to determine eligibility or rank families in a demonstration project under this section.

“(ii) LIMITATIONS.—A person having access to information provided under this paragraph shall be subject to the limitations and penalties imposed under section 9(b)(2)(C)(v)

of the Richard B. Russell National School Lunch Act.

“(4) CONSTRUCTION.—

“(A) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section.

“(B) DESEGREGATION PLANS.—Nothing in this section shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this section.

“(j) PARENTAL NOTIFICATION.—Each eligible entity receiving a grant under this section shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

“(1) describe the demonstration project;

“(2) describe the eligibility requirements for participation in the demonstration project;

“(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

“(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

“(5) provide information about each choice school, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

“(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

“(k) EVALUATION.—

“(1) ANNUAL EVALUATION.—

“(A) CONTRACT.—The Secretary shall enter into a contract with an evaluating agency for the conduct of an ongoing rigorous evaluation of the demonstration program under this section.

“(B) ANNUAL EVALUATION REQUIREMENT.—The contract described in subparagraph (A) shall require the evaluating agency to annually evaluate each demonstration project under this section in accordance with the criteria described in paragraph (2).

“(2) EVALUATION CRITERIA.—The Secretary shall establish such criteria for evaluating the demonstration program under this section. Such criteria shall include—

“(A) a description of the implementation of each demonstration project under this section;

“(B) a comparison of the educational achievement between students receiving education certificates under this section and students otherwise eligible for, but not receiving education certificates under this section;

“(C) a comparison of the level of parental satisfaction and involvement between parents whose children receive education certificates and parents from comparable backgrounds whose children did not receive an education certificate; and

“(D) a description of changes in the overall performance and quality of public elementary and secondary schools in the demonstration project area that can be directly or reasonably attributable to the program under this section.

“(3) REPORTS.—

“(A) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this section shall submit, to the Secretary and

the evaluating agency, an annual report regarding the demonstration project under this section. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

“(B) REPORTS BY EVALUATING AGENCY.—

“(i) IN GENERAL.—The evaluating agency shall transmit to the Secretary and the Congress 2 interim reports on the findings of the annual evaluation under this subsection.

“(ii) FIRST INTERIM REPORT.—The first interim report under clause (i) shall be submitted not later than September 20, 2003, and shall, at a minimum, describe the implementation of the demonstration projects under this section and shall include such demographic information as is reasonably available about—

“(I) the participating schools (both the choice schools and the schools that have been identified as failing);

“(II) the participating and requesting students and background of their families; and

“(III) the number of certificates requested versus the number of certificates received.

“(iii) SECOND INTERIM AND FINAL REPORT.—The second interim and final report under this subparagraph shall be submitted to the Secretary and the appropriate committees in Congress not later than September 30, 2006, and June 1, 2008, respectively, and shall, at a minimum, include the information described in clause (ii), as well as any additional information deemed necessary by the Secretary.

Mr. GREGG. Madam President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 536, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—41

Allard	Frist	McConnell
Allen	Gramm	Murkowski
Bennett	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hatch	Santorum
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Cochran	Inhofe	Stevens
Craig	Kyl	Thompson
DeWine	Lieberman	Thurmond
Domenici	Lott	Voinovich
Ensign	Lugar	Warner
Fitzgerald	McCaIn	

NAYS—58

Akaka	Conrad	Hollings
Baucus	Corzine	Jeffords
Bayh	Crapo	Johnson
Biden	Daschle	Kennedy
Bingaman	Dayton	Kerry
Bond	Dodd	Kohl
Boxer	Dorgan	Landrieu
Breaux	Durbin	Leahy
Burns	Edwards	Levin
Cantwell	Enzi	Lincoln
Carnahan	Feingold	Mikulski
Chafee	Feinstein	Miller
Cleland	Graham	Murray
Clinton	Hagel	Nelson (FL)
Collins	Harkin	Nelson (NE)

Reed  
Reid  
Rockefeller  
Sarbanes  
Schumer

Smith (OR)  
Snowe  
Specter  
Stabenow  
Thomas

Torricelli  
Wellstone  
Wyden

## NOT VOTING—1

Inouye

The amendment (No. 536), as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, we thank all our Members. Now we have agreed to consider the Carper amendment. We have a time limit, I believe a 2-hour time limit, evenly divided, so we expect our next vote sometime around quarter of 6. Perhaps we will be able to yield back some time, but we are trying to move this along.

Mr. GREGG. If the Senator will yield, it is my understanding after the Carper amendment we are going to have 10 or 20 minutes equally divided on the Dodd amendments?

Mr. REID. If the Senator from New Hampshire will yield, we cleared with Senator KENNEDY and with you, we are going to have a half hour evenly divided and then vote on the Dodd amendment dealing with comparability, amendment No. 459.

Senator DASCHLE wishes to have a number of other amendments resolved tonight. We will do that. We will work with the two managers to move on.

Mr. GREGG. We are now moving onto the Carper-Gregg amendment?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware, Mr. CARPER, is recognized to call up amendment No. 518, on which there shall be 2 hours of debate.

## AMENDMENT NO. 518, AS MODIFIED

Mr. CARPER. Madam President, I ask unanimous consent amendment No. 518 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. KERRY, Ms. LANDRIEU, Mr. BIDEN, Mr. CRAPO, Mr. DEWINE, Mr. ENSIGN, and Mr. BREAUX, proposes an amendment numbered 518, as modified.

Mr. CARPER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote parental involvement and parental empowerment in public education through greater competition and choice)

On page 45, between lines 20 and 21, insert the following:

“(H) Each State plan shall provide an assurance that the State’s accountability requirements for charter schools (as defined in section 5120), such as requirements estab-

lished under the State’s charter school law and overseen by the State’s authorized chartering agencies for such schools, are at least as rigorous as the accountability requirements established under this Act, such as the requirements regarding standards, assessments, adequate yearly progress, school identification, receipt of technical assistance, and corrective action, that are applicable to other schools in the State under this Act.

On page 763, between lines 10 and 11, insert the following:

**SEC. 502. EMPOWERING PARENTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Empowering Parents Act of 2001”.

(b) **PUBLIC SCHOOL CHOICE.**—

(1) **SHORT TITLE OF SUBSECTION.**—This subsection may be referred to as the “Enhancing Public Education Through Choice Act”.

(2) **PURPOSES.**—The purposes of this subsection are—

(A) to prevent children from being consigned to, or left trapped in, failing schools;

(B) to ensure that parents of children in failing public schools have the choice to send their children to higher performing public schools, including public charter schools;

(C) to support and stimulate improved public school performance through increased public school competition and increased Federal financial assistance;

(D) to provide parents with more choices among public school options; and

(E) to assist local educational agencies with low-performing schools to implement districtwide public school choice programs or enter into partnerships with other local educational agencies to offer students inter-district or statewide public school choice programs.

(3) **PUBLIC SCHOOL CHOICE PROGRAMS.**—Part A of title V, as amended in section 501, is further amended by adding at the end the following:

**“Subpart 4—Voluntary Public School Choice Programs****“SEC. 5161. DEFINITIONS.**

“In this subpart:

“(1) **CHARTER SCHOOL.**—The term ‘charter school’ has the meaning given such term in section 5120.

“(2) **LOWEST PERFORMING SCHOOL.**—The term ‘lowest performing school’ means a public school that has failed to make adequate yearly progress, as described in section 1111, for 2 or more years.

“(3) **POVERTY LINE.**—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, for the most recent fiscal year for which satisfactory data are available.

“(4) **PUBLIC SCHOOL.**—The term ‘public school’ means a charter school, a public elementary school, and a public secondary school.

“(5) **STUDENT IN POVERTY.**—The term ‘student in poverty’ means a student from a family with an income below the poverty line.

**“SEC. 5162. GRANTS.**

“The Secretary shall make grants, on a competitive basis, to State educational agencies and local educational agencies, to enable the agencies, including the agencies serving the lowest performing schools, to implement programs of universal public school choice.

**“SEC. 5163. USE OF FUNDS.**

“(a) **IN GENERAL.**—An agency that receives a grant under this subpart shall use the funds made available through the grant to

pay for the expenses of implementing a public school choice program, including—

“(1) the expenses of providing transportation services or the cost of transportation to eligible children;

“(2) the cost of making tuition transfer payments to public schools to which students transfer under the program;

“(3) the cost of capacity-enhancing activities that enable high-demand public schools to accommodate transfer requests under the program;

“(4) the cost of carrying out public education campaigns to inform students and parents about the program;

“(5) administrative costs; and

“(6) other costs reasonably necessary to implement the program.

“(b) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this subpart shall supplement, and not supplant, State and local public funds expended to provide public school choice programs for eligible individuals.

**“SEC. 5164. REQUIREMENTS.**

“(a) **INCLUSION IN PROGRAM.**—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall—

“(1) allow all students attending public schools within the State or school district involved to attend the public school of their choice within the State or school district, respectively;

“(2) provide all eligible students in all grade levels equal access to the program;

“(3) include in the program charter schools and any other public school in the State or school district, respectively; and

“(4) develop the program with the involvement of parents and others in the community to be served, and individuals who will carry out the program, including administrators, teachers, principals, and other staff.

“(b) **NOTICE.**—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall give parents of eligible students prompt notice of the existence of the program and the program’s availability to such parents, and a clear explanation of how the program will operate.

“(c) **TRANSPORTATION.**—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall provide eligible students with transportation services or the cost of transportation to and from the public schools, including charter schools, that the students choose to attend under this program.

“(d) **NONDISCRIMINATION.**—Notwithstanding subsection (a)(3), no public school may discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, or disability in providing programs and activities under this subpart.

“(e) **PARALLEL ACCOUNTABILITY.**—Each State educational agency or local educational agency receiving a grant under this subpart for a program through which a charter school receives assistance shall hold the school accountable for adequate yearly progress in improving student performance as described in title I and as established in the school’s charter, including the use of the standards and assessments established under title I.

**“SEC. 5165. APPLICATIONS.**

“(a) **IN GENERAL.**—To be eligible to receive a grant under this subpart, a State educational agency or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each application for a grant under this subpart shall include—

“(1) a description of the program for which the agency seeks funds and the goals for such program;

“(2) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

“(3) if the program is carried out by a partnership, the name of each partner and a description of the partner’s responsibilities;

“(4) a description of the policies and procedures the agency will use to ensure—

“(A) accountability for results, including goals and performance indicators; and

“(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

“(5) such other information as the Secretary may require.

#### **“SEC. 5166. PRIORITIES.**

“In making grants under this subpart, the Secretary shall give priority to—

“(1) first, those State educational agencies and local educational agencies serving the lowest performing schools;

“(2) second, those State educational agencies and local educational agencies serving the highest percentage of students in poverty; and

“(3) third, those State educational agencies or local educational agencies forming a partnership that seeks to implement an interdistrict approach to carrying out a public school choice program.

#### **“SEC. 5167. EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.**

“(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(b) EVALUATIONS.—In carrying out evaluations under subsection (a), the Secretary may use the amount reserved under subsection (a) to carry out 1 or more evaluations of State and local programs assisted under this subpart, which shall, at a minimum, address—

“(1) how, and the extent to which, the programs promote educational equity and excellence; and

“(2) the extent to which public schools carrying out the programs are—

“(A) held accountable to the public;

“(B) effective in improving public education; and

“(C) open and accessible to all students.

#### **“SEC. 5168. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this subpart \$125,000,000 for fiscal year 2002 and each subsequent fiscal year.”.

#### **(c) PUBLIC CHARTER SCHOOL FACILITIES FINANCING.—**

(1) SHORT TITLE OF SUBSECTION.—This subsection may be cited as the “Charter Schools Equity Act”.

(2) PURPOSES.—The purposes of this subsection are—

(A) to help eliminate the barriers that prevent charter school developers from accessing the credit markets, by encouraging lending institutions to lend funds to charter schools on terms more similar to the terms typically extended to traditional public schools; and

(B) to encourage the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

#### **(3) CHARTER SCHOOLS.—**

(A) CONFORMING AMENDMENT.—Section 5112(e)(1), as amended in section 501, is fur-

ther amended by inserting “(other than funds reserved to carry out section 5115(b))” after “section 5121”.

(B) MATCHING GRANTS TO STATES.—Section 5115, as amended in section 501, is further amended—

(i) in subsection (a), by inserting “(other than funds reserved to carry out subsection (b))” after “this subpart”;

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following:

“(b) PER-PUPIL FACILITIES AID PROGRAMS.—

“(1) GRANTS.—

“(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, programs in which the States make payments, on a per-pupil basis, to charter schools to assist the schools in financing school facilities (referred to in this subsection as ‘per-pupil facilities aid programs’).

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection or its predecessor authority;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

“(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent of the amount to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(3) REQUIREMENTS.—

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

“(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(i) is specified in State law;

“(ii) provides annual financing, on a per-pupil basis, for charter school facilities; and

“(iii) provides financing that is dedicated solely for funding the facilities.

“(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(5) PRIORITIES.—In making grants under this subsection, the Secretary shall give pri-

ority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5112(e).

“(6) EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.—

“(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary may carry out evaluations, provide technical assistance, and disseminate information.

“(B) EVALUATIONS.—In carrying out evaluations under subparagraph (A), the Secretary may carry out 1 or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

“(i) how, and the extent to which, the programs promote educational equity and excellence; and

“(ii) the extent to which charter schools supported through the programs are—

“(I) held accountable to the public;

“(II) effective in improving public education; and

“(III) open and accessible to all students.”.

(C) AUTHORIZATION OF APPROPRIATIONS.—Section 5121, as amended in section 501, is further amended to read as follows:

#### **“SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart \$400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) RESERVATION.—For fiscal year 2002, the Secretary shall reserve, from the amount appropriated under subsection (a)—

“(1) \$200,000,000 to carry out this subpart, other than section 5115(b); and

“(2) the remainder to carry out section 5115(b).”.

(4) CREDIT ENHANCEMENT INITIATIVES.—Subpart 1 of part A of title V, as amended in section 501, is further amended—

(A) by inserting after the subpart heading the following:

#### **“CHAPTER I—CHARTER SCHOOL PROGRAMS”;**

(B) by striking “this subpart” each place it appears and inserting “this chapter”; and

(C) by adding at the end the following:

#### **“CHAPTER II—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION**

#### **“SEC. 5126. PURPOSE.**

“The purpose of this chapter is to provide grants to eligible entities to permit the entities to establish or improve innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

#### **“SEC. 5126A. GRANTS TO ELIGIBLE ENTITIES.**

“(a) GRANTS FOR INITIATIVES.—

“(1) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this chapter to eligible entities having applications approved under this chapter to carry out innovative initiatives for assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) NUMBER OF GRANTS.—The Secretary shall award not fewer than 3 of the grants.

“(b) GRANTEE SELECTION.—

“(1) DETERMINATION.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

“(2) MINIMUM GRANTS.—The Secretary shall award at least—



“(A) 1 grant to an eligible entity described in section 5126I(2)(A);

“(B) 1 grant to an eligible entity described in section 5126I(2)(B); and

“(C) 1 grant to an eligible entity described in section 5126I(2)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under this chapter shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of charter school acquisition, construction, or renovation.

“(d) SPECIAL RULE.—In the event the Secretary determines that the funds available to carry out this chapter are insufficient to permit the Secretary to award not fewer than 3 grants in accordance with subsections (a) through (c)—

“(1) subsections (a)(2) and (b)(2) shall not apply; and

“(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

#### “SEC. 5126B. APPLICATIONS.

“(a) IN GENERAL.—To receive a grant under this chapter, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(b) CONTENTS.—An application submitted under subsection (a) shall contain—

“(1) a statement identifying the activities proposed to be undertaken with funds received under this chapter, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance the charter schools will receive;

“(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

“(3) a description of the applicant's expertise in capital market financing;

“(4) a description of how the proposed activities will—

“(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist charter schools; and

“(B) otherwise enhance credit available to charter schools;

“(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

“(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the schools need to have adequate facilities; and

“(7) such other information as the Secretary may reasonably require.

#### “SEC. 5126C. CHARTER SCHOOL OBJECTIVES.

“An eligible entity receiving a grant under this chapter shall use the funds received through the grant, and deposited in the reserve account established under section 5126D(a), to assist 1 or more charter schools to access private sector capital to accomplish 1 or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of exist-

ing facilities, necessary to commence or continue the operation of a charter school.

“(3) The payment of start-up costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a charter school.

#### “SEC. 5126D. RESERVE ACCOUNT.

“(a) IN GENERAL.—For the purpose of assisting charter schools to accomplish the objectives described in section 5126C, an eligible entity receiving a grant under this chapter shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5126E) in a reserve account established and maintained by the entity for that purpose. The entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

“(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the entity for 1 or more of the following purposes:

“(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5126C.

“(2) Guaranteeing and insuring leases of personal and real property for such an objective.

“(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(c) INVESTMENT.—Funds received under this chapter and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this chapter shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

#### “SEC. 5126E. LIMITATION ON ADMINISTRATIVE COSTS.

“An eligible entity that receives a grant under this chapter may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the entity's responsibilities under this chapter.

#### “SEC. 5126F. AUDITS AND REPORTS.

“(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this chapter shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(b) REPORTS.—

“(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this chapter annually shall submit to the Secretary a report of the entity's operations and activities under this chapter.

“(2) CONTENTS.—Each such annual report shall include—

“(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

“(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

“(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this chapter in leveraging private funds;

“(D) a listing and description of the charter schools served by the entity with such Federal funds during the reporting period;

“(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5126C; and

“(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this chapter during the reporting period.

“(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this chapter.

#### “SEC. 5126G. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

“No financial obligation of an eligible entity entered into pursuant to this chapter (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this chapter.

#### “SEC. 5126H. RECOVERY OF FUNDS.

“(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(1) all of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this chapter, that the entity has failed to make substantial progress in carrying out the purposes described in section 5126D(b); or

“(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5126D(b).

“(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5126D(b).

“(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

“(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

#### “SEC. 5126I. DEFINITIONS.

“In this chapter:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in section 5120.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

**"SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this chapter \$200,000,000 for fiscal year 2002 and each subsequent fiscal year."

**(5) INCOME EXCLUSION FOR INTEREST PAID ON LOANS BY CHARTER SCHOOLS.—**

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 and section 140 and by inserting after section 138 the following new section:

Mr. CARPER. Madam President, I yield myself such time as I may consume.

Let me begin by extending my appreciation to Senator GREGG and a number of our colleagues, both Democrats and Republicans, for joining me in offering this amendment today.

Over the course of the last several weeks, we have found considerable common ground as we seek to redefine the role of the Federal Government in education. We believe we need to invest, at the Federal level, more resources, but in programs that work. We agree on the need to give that money to schools and school districts from the Federal Government more flexibly. We agree if we are going to provide more resources, and if we are going to provide those dollars more flexibly, we should demand results there should be accountability. Finally, we all agree on the need to impart to parents the ability to make choices about the schools their children attend.

In the 50 States, all but one have adopted rigorous standards about what they expect their students to know and do. In more than half the States of our country this past school year, tests were given to measure student progress toward their State standards in subjects such as math and science and English and social studies. States throughout America have wrestled with consequences, with accountability systems. How do we hold schools accountable, school districts accountable, parents accountable, and politicians as well? We have wrestled with those questions in Delaware. I know we are wrestling with them in all 50 States.

The bill we are working on, as it has been modified to date, has some important elements I want us to address with this amendment. I hope in offering this amendment we will make this bill better. I think there is a need for the changes we are offering in this amendment.

Under the legislation that has been modified to date and that stands before us today, we call on States to set their academic standards. For the most part they have done that. We call on States to prepare tests—some have prepared tests to measure student progress, but in this case we are calling on States to prepare tests to measure student progress on an annual basis from the third to eighth grade. We are calling on States to decide at what level they expect all of their students to perform roughly 10 years out.

In each of the next 10 years, we are asking them to spell out the benchmarks, the performance levels at which they expect their students to be able to perform, in year 1, 2, 3, 4, and so on, out to the 10th year.

There are consequences for schools where students do not meet the benchmarks, the improvement that the States themselves agreed on for their own schools. For failing schools—schools that fail to meet their annual progress improvement goals—the consequence is not great in the first year. They will receive technical assistance—more help. I think that is appropriate.

The second year a school fails to meet the annual improvement goals for their students, more technical assistance is provided, but there are some additional consequences as well.

By the time we get to year 4, for a school that has continued failing 4 years in a row, meaning their students have not met the benchmarks set by their school, set by their State, the consequences become more severe. Let me mention a few of them.

First of all, the school district in which that school has failed 4 years in a row must offer public school choice, must provide the transportation for students to go from a failing school to a school that is not failing. In addition, the school district is faced with one of a limited number of options for addressing what to do with that failing school. One of those options is to turn the school over to the State to run. Another option is to disband the school with respect to existing faculty and administration and start all over. A third option will be to turn the school over to a private sector enterprise, a private entity, to run the school. And a fourth option is to mandate that the school be transformed and turned into a charter school.

Personally, I hope by the end of year 4 there are not any schools that are failing in this country. But I think that may be the triumph of man's hope over experience. We have tens of thousands of schools. We have thousands of school districts across America. There are going to be schools that do not meet the standards, the benchmarks set by their own States—in some cases, 4 years in a row. What do we do within the Federal Government to help nurture, to foster, to ease that transition to public school choice in those schools that have failed 4 years in a row?

I think Delaware was the first State to implement public school choice statewide. We did so to inject market forces into our public schools by saying to parents that if your child's school is failing to meet your expectations for your child, you have the option to go to a variety of other schools, and the State will pay for the transportation. It makes for wonderful change, for good change, and for a positive change as we introduce elements of competition into public education.

Unfortunately, if you look at what we are offering within the Federal Gov-

ernment to assist, to nurture, to encourage, and to help ease that transition from traditional public schools to maybe statewide public school choice, we do precious little.

The amendment I offer today with Senator GREGG and others says that we ought to do a good deal more. In this amendment, we do.

The second question I want to ask rhetorically is, If we say in this legislation before us today that after 4 years of failure we have to do something with that failing school—one of the options is to turn it into a charter school—what do we do to help make sure that folks who want a charter school might have some ability to succeed in starting a charter school? How do we help them?

Under current law, we do a couple of things. Under current law, there is a basic charter school planning and development grant. It does not address brick and mortar, but it helps people who have an idea they would like to start a charter school and are not sure how to do it. It supports technical resource centers and clearinghouses that help point to what is working in other places to start charter schools; but with respect to brick and mortar, to help with the biggest challenge involved in starting up a charter school: Where are we going to have the school? How are we going to pay for building the school? How are going to take over an existing building and refurbish it for our school? It is a huge challenge in my State and every other State. There are 36 States that now have charter schools. But current law doesn't help much in that regard. We help very little in terms of the money that we appropriate. In the current fiscal year 2001 Labor-HHS appropriations bill, there is a \$25 million grant to public entities and private entities that are engaged in providing credit enhancement to help provide space for charter schools. That help might come in the form of loan guarantees. It might come in the form of subsidized loans. It is \$25 million.

The amendment before us today says that we ought to grow both of these approaches. In the first case, instead of providing \$25 million—the program is currently authorized at \$100 million—why don't we increase the authorization to \$200 million to provide the assistance that charter schools really need to get started?

In the second case, we propose with our amendment to provide short-term matching grants to States that will help these charter schools on the brick and mortar side on the capital side.

Currently, in my State folks running a charter school and kids going to that charter school may receive operating money per student at that school equal to the operating funds that go to students in other public schools. However, in those other public schools, if they want to rebuild the school, build a new school, or refurbish a school, the State of Delaware will sell tax-exempt bonds

for those public schools. The State of Delaware will pay anywhere from 60 to 80 percent of the cost of the principal and interest on those bonds. If a charter school is trying to get started in my State on the brick and mortar side, we don't do anything for them. We don't issue tax-exempt bonds, or even pay for 1 percent of their capital costs, much less 60 to 80 percent. If you look at the other 36 States, for the most part, those States provide just about the same help to charter schools on the capital side as Delaware—does.

I don't think it is the role of the Federal Government to come in and make up all of that difference. We can, as a Federal government, through loan guarantees and subsidized loans, encourage other public and nonpublic entities to assist in starting up charter schools and paying for the brick and mortar costs.

We can also provide incentives from my State and other States to provide some capital costs and capital assistance for charter schools. We will provide matching grants at the Federal level. We will not pay for all of it, but we will provide matching grants to help States get those charter schools started.

At the beginning of the debate I asked to modify the amendment. I did so because there are some tax consequences that are not appropriate to be debated in the context of this bill because they are within the purview of the Senate Finance Committee and the House Ways and Means Committee. I will mention them anyway. I will use my State as an example because that is what I know best.

If the State of Delaware wants to help build public schools, we issue tax-exempt bonds. If a charter school wants to build a school for themselves, they borrow money. The interest is not tax-free. A charter school may be right alongside a traditional public school. The public school gets tax-exempt bonds. Whoever loans the money to the charter school has to pay taxes on the interest.

I don't think that is right or fair. I would like to change that. Unfortunately, we cannot do that today. We will try to come back and address it in another venue with another vehicle.

For people who voted against the Gregg amendment on a demonstration for vouchers, I understand it was a tough vote. But for people who weren't willing to experiment in that way with choice, I urge you to consider this approach.

If you think public school choice can really help introduce market forces and competition into our public schools—other States are trying it—I urge you to vote for this amendment. If you think that we may be able to replicate the success of schools across America as we have done in Delaware—I urge you to vote for this amendment. The Presiding Officer, in another role as First Lady, actually came to the very first charter school we started in

Delaware about 5 years ago. We were pleased to welcome her there. We were trying to start a charter high school. I say to the Presiding Officer that last year when the results were counted for tests in reading, math, science, and so forth, the high school that did the best of all the public high schools in Delaware was the Wilmington charter school that she visited.

In my State, the only school out of almost 200 schools where every student who took the Delaware math test last year actually met or exceeded the State's math standards, believe it or not, is the school that has the highest incidence of poverty in the State. Eighty-three percent of the kids at the East Side charter school receive free or reduced-price lunches. No other school in our State has an incidence of poverty such as that.

Those are only two examples of charter schools: one is a high school and another is K through 3. Charter schools are working well.

I hope we will say that the Federal Government should have an obligation. Under the accountability provisions of this legislation, I think there is a real obligation to assist in pushing forward public school choice and in making the transition from traditional public schools to charter schools. Maybe it is not easy, but it is something that is doable.

I retain the balance of my time. I turn it over to my colleague, and again say to Senator GREGG, thanks for joining in support of this legislation and, in fact, for amending this legislation to help to make it better.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 45 minutes, 42 seconds. The opposition still has 1 hour.

Mr. CARPER. Madam President, it is not clear to me who controls the time in opposition.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to opposition time.

Mr. GREGG. I am not claiming opposition time. I am in support of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to time on the opposition side.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, would the Chair restate the request?

The PRESIDING OFFICER. There has been no request of the Chair.

The Senator from Nevada.

Mr. REID. Senator CARPER asked who was in opposition to this amendment. Senator KENNEDY was predisposed, working with his staff. Senator KENNEDY is opposed to the amendment and would control the time.

I ask Senator KENNEDY, is that right?

Mr. KENNEDY. Just for the purposes of this moment now.

Mr. CARPER. Madam President, I yield to the Senator from New Hampshire whatever time he needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Delaware.

Madam President, I support the Senator from Delaware in his amendment. I thank him for bringing it forward. The Senator, of course, served as Governor of Delaware prior to coming to the Senate. He understands intimately the issues that are involved in education, as all Governors do, because it is the No. 1 issue with which most Governors deal. Therefore, I think his amendment, which I am supporting, is a reflection of a comprehensive understanding of the question of how we try to address the improvement of our school systems.

I believe that those who have been exposed to the charter school movement see in it the embryo of a way to move our school systems into a phase of significant improvement.

Charter schools are being tried in a lot of States. In fact, they have expanded dramatically across the country. I think we are now up to some multiple thousand charter schools. They have caught on because they make sense.

Essentially, what a charter school does is give a community which is unhappy with the way the public school system is working an opportunity, within the public school structure, to set up an independent school, which is a public school but which is not subject to the restrictions that the public school system may put on the traditional school in the community, thus creativity can and does occur within that charter school.

In fact, there are many instances of charter schools being cited as schools that have radically improved the educational services delivered to the communities, and to students in those communities.

I know, for example, that President Bush is fond of citing his experience with a charter school in Houston. I have forgotten the name of the school, but I do recall vividly his discussion of it on the campaign trail, especially when he was in New Hampshire, and his enthusiasm about the way this charter school had taken a low-income urban school district population, which basically did not have a very good experience in the educational system, and turned it around so that it was now the leading school in the State in that age group.

That happens because charter schools are vibrant and exciting places. To begin with, the people who start them are enthusiastic about education. They want to make sure that children have an opportunity to learn in a different climate. Therefore, they start these schools with the energy that comes from a new expedience and desire to change and improve the community, and especially the educational system.

They have a great track record. But they have run into some problems. What the Carper amendment does is essentially try to address, to the extent the Federal Government can participate in addressing this issue, some of the concerns of these school systems. One of the biggest I think—and one of the reasons I am excited about the amendment—is it addresses the capital needs of actually starting these schools. Even though he has had to modify the amendment in order to avoid a technical problem with the Ways and Means Committee on the House side—those who are familiar with the Ways and Means committee understand it is extremely territorial. I served on it and, I assure you, that is part of the character of the Ways and Means Committee—even with that adjustment, the amendment has in it initiatives which will allow charter school construction costs to be alleviated, or participated in to some degree, through these new funds which will be available.

That is very important because one of the biggest problems you run into with a charter school is not getting the talent, the people who want to run it out getting the building into shape where it actually can handle kids coming into the school system. So that, in my opinion, will be a very positive impact of this amendment.

Also, I think it should be pointed out that this amendment assists in the transportation activity, which is a critical part of the charter school problem. A lot of parents want to send their kids to a charter school, but they are low-income parents, and they do not have the capacity to physically move their kids from their home to the school. The school their child may be attending might be around the block, but it might be a school that simply isn't working and they may want their child to go to a charter school. But that charter school may require a significant amount of transportation costs on a daily basis, which may simply exceed the ability of a low-income parent to maintain. So this amendment assists in that area.

It is also important for us to understand—at least I believe it is important for us to understand—the way you improve education is not by a top-down approach. We in Washington do not have the answers. It is that simple. The way you improve education is by allowing the creative minds of the educational community, and the parents, to step on to the playing field of education and do what they think is best, do it with aggressiveness and do it with imagination.

Charter schools are an example of that opportunity. We should not say a charter school must be set up this way or must have this amount of procedure. It is just the opposite. We should simply say: You have the option to take that charter school route, if you want. And if you decide to go that way, we are going to help you by assisting you

with the dollar support which will work for your benefit, and allow the school to be creative.

Some might argue: This is a new program or a significant increase in a program. And with all the other new programs that have been put into this bill, is it appropriate to create another program or add another significant amount of money into this bill. Obviously, I have reservations about that. I am concerned about the fact that this bill has exploded in costs. The 10-year cost of this bill presently exceeds the original cost of this bill by almost \$200 billion.

But I think what we have to remember is that what this bill should be doing is creating incentives for creative ideas and approaches. And charter schools, as much as anything else that can occur in the educational community, will accomplish that goal.

In this bill money is being spent to promote programmatic activity that is already in place and that maybe isn't working all that well or, if it is working all that well, maybe is tangential to dramatically increasing the learning capacity of children.

Charter schools, on the other hand, are working and we know they will significantly impact the capacity of children to improve their education, not only because the child who is in the charter school gets a better education but because charter schools, by definition, put pressure on the rest of the public school community within that city or town or State to improve. So it is bringing competition into the public school system using the public school system itself.

We just had an amendment to try to bring competition into the public school system using the private school system. That was rejected. This amendment stays within the context of the public school system and brings competition into the system. As a result, in my opinion, it puts significant positive pressure on the other public schools to improve their product. And as a result, I think that is very positive.

Mr. REID. I ask the Senator from New Hampshire if he will yield?

Mr. GREGG. I certainly will yield.

Mr. REID. I have spoken to Senator KENNEDY, and Senator KENNEDY is not in opposition to this amendment. I want to make sure the Senator knows that prior to completing his remarks. So I do not know who is in opposition to the amendment. I guess the Senator from Delaware will find out later. At this time we know of no one who is in opposition.

Mr. GREGG. I am sure the Senator from Delaware will be relieved to hear no one is in opposition to the amendment. I certainly am. That is good news.

Mr. REID. The Senator wishes to speak on the amendment after you finish.

Mr. GREGG. With that good news, I will curtail my statement and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself such time as I might use on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the pending amendment addresses two important growing policy areas: Public school choice and public charter schools. First, the amendment provides grant support to States seeking intra- and inter-district public school choice plans. That is very important, given where we are in other provisions of the bill. Second, the pending amendment provides specific assistance to charter schools struggling with capital school construction needs. That is going to be very important, given the provisions of the bill that will require schools to restructure and reorganize if they fail to meet certain goals.

I support public school choice. Our legislation already provides parents of children in low-performing schools the option to transfer to other public schools or charter schools. But public school choice programs bring added costs that come with, most significantly, added transportation needs. If we are truly to support public school choice, we should provide the districts aid for their increased transportation costs.

I also support charter schools. Like public school choice which can encourage districtwide improvement, charter schools can provide more options to parents within the public school system. I think we should do more to support the charter schools in the area in which they have the greatest need—school construction.

Charter schools do not have the same capital resources that regular public schools do. Charter schools cannot float tax-exempt bonds as public school districts can. Charter schools primarily have new building construction needs. Noncharter, public schools and public school districts, on the other hand, primarily have building repair needs. Just as there are charter schools with unique and urgent school repair and construction needs, there are also regular public schools with unique and urgent school repair and construction needs. We should also provide school construction assistance to both charter schools and regular public schools.

That is the difficulty I find in the logic of my friends who opposed the Harkin proposal in terms of providing help to meet the construction needs in our public school system, a best estimate of over \$130 billion in needs. We recognize the importance of having a facility that is going to be safe for children and that is also going to be responsive to the children's needs in terms of a modern classroom. I know Senator HARKIN has made the case, and Senator FEINSTEIN and others, of the importance of giving assistance to local communities. They are not required to take that help, but when you

realize the age of many of our school facilities, particularly in many of the older cities of the country, as well as in many of the rural areas, you know there is an extraordinary need.

What is so apparent is that children attending schools which are in dilapidated condition sends a very powerful message to the students. On the one hand, they go to modern supermarkets and modern malls and they see what investments in these kinds of facilities would mean. They are valued by their parents or their grownups. Then on the other hand, parents are sending children off to schools which are dilapidated, which are in need of repair, where in many instances the electrical systems aren't working or their air-conditioning is not working, the windows are not repaired.

I am supporting this proposal, but it is important to wonder why we in the Senate, if we are going to provide this kind of help for the construction of charter schools, are not providing assistance to the public schools. I find it difficult to understand the response in this area by many of our colleagues on this side of the aisle, their traditional argument that this is a local responsibility. The fact is, we are trying to find ways of creating a climate where children can learn. If we are not going to provide the classroom situation for that learning process, we are not really meeting our responsibilities.

I am supporting this program, but I do think the need for school renovation and modernization across the board is extraordinary. The National Center on Education Statistics reports that nationwide more than \$127 billion is needed for public school construction, repair, and modernization. The American Society of Engineers reports that average school repair costs per child are \$3,800.

All of the reforms included in the BEST Act will be dramatically undermined if we continue to send children to dilapidated, overcrowded, out-of-date schools. When we send children to inadequate, crumbling schools, we send them the message that they don't matter. What does it say to a child when their classroom is a school bathroom, when windows are broken and roofs are leaking?

We should support public school and public charter school construction needs. We need to keep in mind that 97 percent of all public school children go to noncharter schools. I continue to hold out hope that we will provide badly needed school construction assistance to regular public schools and public charter schools. Construction and modernization needs are great across the board.

I urge my colleagues to support the pending amendment and hope we can continue to work in the future to support construction and modernization needs nationwide.

There may be those who say we are not going to support it because we are not meeting our responsibility to pub-

lic schools. There may be some of our colleagues who fall in that category. I would rather see us do what is right for children in meeting our responsibility on the public school choice provisions which are included and also with regard to charter schools.

My great regret about this amendment is that it is leaving out 97 percent of the public schools that ought to get help. This amendment is a very modest amendment. It is a useful amendment. But for me it sort of fails to hit the mark in providing the assistance which is needed in the area of construction.

I know we have to do the best we can. There was a broader kind of amendment that was not accepted in the Senate. The Senator from Delaware has come up with a proposal to at least provide some construction funding in areas where there is need. Hopefully, as this whole process moves ahead, we will find some opportunity to find a way of helping the other public schools in this country with their construction needs as well.

This amendment is useful. I hope it reminds us of the fact that we are not meeting our responsibilities in construction and assistance to other public schools and that we will continue to work in that area to help the children of this country.

THE PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. Madam President, let me express my thanks to the chairman, the Senator from Massachusetts, for his support and for his words.

I have said on the floor before and I say it again today: We all acknowledge, the role of the Federal Government is not to run our schools, the role of the Federal Government is to try to level the playing field at least a little bit for kids who come, in some cases, from hopelessly disadvantaged backgrounds. The appropriate role of the Federal Government is to help identify what is working to raise student achievement across the country.

An appropriate role for the Federal Government is, when we do identify those things that are working, to encourage them. We nurture those ideas. We try to share those ideas with others around the country.

I remember when I was Governor of Delaware, about 5 years ago we were debating public school choice. I had just signed, as Governor, public school choice into law. I remember overhearing a conversation between a couple of school administrators. They didn't know I was listening, but I was.

I heard one administrator say to the other: If we don't offer parents what they want for their children in our public schools, their children will go to another school where they are offering what they want for their children. I said to myself at the time: He's got it. Because in Delaware and other places where we have public school choice, particularly when you provide help on the transportation side so that it is

really meaningful, if a student in school A isn't getting what they want or their parents want for them, they can go to school B. The transportation is provided for, and the money follows the students.

That is a really important concept. The money follows the student. In our State, the State provides anywhere from \$6,000 to \$7,000 per student for their education. When one child goes from school A to school B, the \$6,000 or \$7,000 follows that student. If one student moves from school A to school B, not many people are going to take notice of that. If 10 students move from school A to school B, that is 10 times \$6,000 or \$7,000, which is \$60,000 or \$70,000. Maybe somebody will notice that. If 100 students move from school A to school B because they are offering something school A is not offering, somebody is going to notice that certainly; they are certainly going to notice it in school A. The question they began to ask in my State was: What are they offering there that we are not offering? Maybe we ought to offer it as well.

It is the very best thing to come out of competition and out of the market forces we have introduced. Let me also add that I have always believed that the role of government, and particularly the Federal Government, in education is not to row the boat. The role of the Federal Government is maybe to help steer the boat. The Federal Government provides less than 10 percent of the resources for the education of our children. States provide much more. In Delaware, it is 70 percent. Nationally, I think it is about 50 percent. The rest comes from local property taxes.

But if we in this body, in this Capitol, in our role as the Federal Government—certainly the legislative side of it—if we can help identify those things that work and if we can nurture them and help steer and not row the boat, our kids, in a lot of places, with relatively modest investments, are going to end up with a better education and be better prepared to go on and face the world with the skills they will need to be successful in college and in work and in life.

Senator KENNEDY said this is a modest but useful amendment. I think it is going to prove even more useful than we dare to hope today. If it is adopted and ends up in the final bill that goes to the President, we will have a chance to test that premise. I sincerely hope we do.

Again, to Senator GREGG, and to others who joined us in cosponsoring the original bill which underlies the amendment, and this amendment itself, I express my thanks.

Madam President, I yield back whatever time remains and I ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. We have to determine if there is a sufficient second.

Is there a sufficient second?

There is not a sufficient second.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that the Senator from Delaware has yielded back his time.

The PRESIDING OFFICER. The Senator is correct. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 518), as modified, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I thank the Senator from Delaware. This amendment is related to other very important provisions in the legislation to ensure there is going to be sufficient funds available. Also in the legislation, there was going to be, with the reconstruction of these schools, the possibility of the development of these charter schools, and this will give additional flexibility to local communities to move in that direction.

So I thank him for offering the amendment. I believe it reaches sort of the central core of what we are attempting to do. I think it is valuable and helpful. I wish it had been a little broader, but I thank the Senator very much for offering it and for working closely with us to move the process along. I am grateful to him.

I am also grateful to my friend from New Hampshire, as always.

Mr. GREGG. I thank my friend.

AMENDMENTS NOS. 505, 545 AS MODIFIED, 520 AS MODIFIED, 583, 561 AS MODIFIED, AND 461 AS MODIFIED, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, today we are again in a position to clear amendments by consent. I ask, therefore, unanimous consent that it be in order for these amendments to be considered en bloc and that any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

(The text of amendment No. 505 is printed in the RECORD of May 9, 2001, under "Amendments Submitted.")

#### AMENDMENT NO. 545 AS MODIFIED

(Purpose: To create a set-aside for Bureau of Indian Affairs schools)

On page 365, strike lines 7 through 11, and insert the following:

"(a) LIMITATION.—

"(1) IN GENERAL.—From funds appropriated under this part, the Secretary shall reserve such sums as may be necessary for grants awarded under section 3136 prior to the date of enactment of the Better Education for Students and Teacher Act.

"(2) BUREAU OF INDIAN AFFAIRS FUNDED SCHOOLS.—From funds appropriated under this part, the Secretary shall reserve 0.75 percent of such funds for Bureau of Indian Affairs funded schools. Not later than 6 months after the date of enactment of the Better Education for Students and Teacher Act, the Secretary of the Interior shall establish rules for distributing such funds in accordance with a formula developed by the Secretary of the Interior in consultation with school boards of BIA-funded schools, taking into consideration whether a minimum amount is needed to ensure small schools can utilize funding effectively.

#### AMENDMENT NO. 520 AS MODIFIED

(Purpose: To modify the formula for calculating impact aid payments relating to federal acquisition of real property)

At the end of title IX, add the following:

#### SEC. 902. IMPACT AID PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702), as amended by section 1803 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398), is amended—

(1) in subsection (h)(4), by striking subparagraph (B) and inserting the following:

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (as determined by dividing the maximum amount that such agency is eligible to receive under subsection (b) by the total maximum amounts that all such local educational agencies are eligible to receive under such subsection) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for purposes of calculating a local educational agency's maximum payment under subsection (b), data from the most current fiscal year shall be used."; and

(2) by adding at the end the following:

"(n) LOSS OF ELIGIBILITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 8013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section in the preceding year.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is an agency that—

"(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

"(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for

payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.".

#### AMENDMENT NO. 583

(Purpose: To make certain technical amendments with respect to impact aid)

At the appropriate place, insert the following:

#### SEC. . IMPACT AID TECHNICAL AMENDMENTS.

(a) FEDERAL PROPERTY PAYMENTS.—Section 8002(h) (20 U.S.C. 7702(h)) (as amended by section 1803(c) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and was eligible to receive a payment under section 2 of the Act of September 30, 1950" and inserting "and that filed, or has been determined pursuant to law to have filed, a timely application and met, or has been determined pursuant to law to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950"; and

(B) in subparagraph (B), by striking "(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994," and inserting "(or if the local educational agency did not meet, or has not been determined pursuant to law to meet, the eligibility requirements under section 2(a)(1)(C) of the Act of September 30, 1950, for fiscal year 1994,".

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting before the period the following: "or whose application for fiscal year 1995 was deemed by law to be timely filed for the purpose of payments for later years"; and

(B) in subparagraph (B)(ii), by striking "for each local educational agency that received a payment under this section for fiscal year 1995" and inserting "for each local educational agency described in subparagraph (A)"; and

(3) in paragraph (4)(B)—

(A) by striking "(in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii))" and inserting "(by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies"; and

(B) by striking "except that for the purpose of calculating a local educational agency's assessed value of the Federal property," and inserting "except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b),".

(b) CALCULATION OF PAYMENT UNDER SECTION 8003 FOR SMALL LOCAL EDUCATIONAL AGENCIES.—Section 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after "of the State in which the agency is located" the following: "or less than the average per pupil expenditure of all the States".

(c) STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.—Section 8009(b)(1) (20 U.S.C. 7709 (b)(1)) (as amended by section 1812(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after "section 8003(a)(2)(B)" the following: "and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under paragraph (1) of section 8003(b)".



(d) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 8014 (20 U.S.C. 7714) (as amended by section 1817(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

- (1) in subsection (a), by striking “three succeeding” and inserting “six succeeding”;
- (2) in subsection (b), by striking “three succeeding” and inserting “six succeeding”;
- (3) in subsection (c), by striking “three succeeding” and inserting “six succeeding”;
- (4) in subsection (e), by striking “three succeeding” and inserting “six succeeding”;
- (5) in subsection (f), by striking “three succeeding” and inserting “six succeeding”;
- (6) in subsection (g), by striking “three succeeding” and inserting “six succeeding”.

#### AMENDMENT NO. 561 AS MODIFIED

(Purpose: To encourage projects carried out with community-based organizations such as the Police Athletic and Activity Leagues)

On page 256, line 21, strike “; and” and insert a semicolon.

On page 256, line 24, strike the period and insert “; and”.

On page 256, after line 24, add the following:

“(I) an assurance that the eligible organization will, to the maximum extent practicable, carry out the proposed program with community-based organizations that have experience in providing before and after school programs, such as the YMCA, the Police Athletic and Activities Leagues, Boys and Girls Clubs and Big Brothers/Big Sisters of America.”

#### AMENDMENT NO. 461 AS MODIFIED

(Purpose: To provide for the expansion of education technology for rural areas)

On page 367, line 5, insert after the period the following: “The Secretary shall give priority when awarding grants under this paragraph to State educational agencies whose applications submitted under section 2305 outline a strategy to carry out part E.”

On page 383, after line 12, insert the following:

#### SEC. 203. RURAL TECHNOLOGY EDUCATION ACADEMIES.

Title II (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

##### “PART E—RURAL TECHNOLOGY EDUCATION ACADEMIES

#### “SEC. 2501. SHORT TITLE.

This part may be cited as the ‘Rural Technology Education Academies Act’.

#### “SEC. 2502. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress makes the following findings:

“(1) Rural areas offer technology programs in existing public schools, such as those in career and technical education programs, but they are limited in numbers and are not adequately funded. Further, rural areas often cannot support specialized schools, such as magnet or charter schools.

“(2) Technology can offer rural students educational and employment opportunities that they otherwise would not have.

“(3) Schools in rural and small towns receive disproportionately less funding than their urban counterparts, necessitating that such schools receive additional assistance to implement technology curriculum.

“(4) In the future, workers without technology skills run the risk of being excluded from the new global, technological economy.

“(5) Teaching technology in rural schools is vitally important because it creates an employee pool for employers sorely in need of information technology specialists.

“(6) A qualified workforce can attract information technology employers to rural areas and help bridge the digital divide between rural and urban American that is evidenced by the out-migration and economic decline typical of many rural areas.

“(b) PURPOSE.—It is the purpose of this part to give rural schools comprehensive assistance to train the technology literate workforce needed to bridge the rural-urban digital divide.

#### “SEC. 2503. GRANTS TO STATES.

“(a) IN GENERAL.—The Secretary shall use amounts made available under section 2310(a) to carry out this part to make grants to eligible States for the development and implementation of technology curriculum.

“(b) STATE ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for a grant under subsection (a), a State shall—

“(A) have in place a statewide educational technology plan developed in consultation with the State agency responsible for administering programs under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

“(B) include eligible local educational agencies (as defined in paragraph (2)) under the plan.

“(2) DEFINITION.—In this part, the term ‘eligible local educational agency’ means a local educational agency—

“(A) with less than 600 total students in average daily attendance at the schools served by such agency; and

“(B) with respect to which all of the schools served by the agency have a School Locale Code of 7 or 8, as determined by the Secretary.

“(c) AMOUNT OF GRANT.—Of the amount made available under section 2310(a) to carry out this part for a fiscal year and reduced by amounts used under section 2504, the Secretary shall provide to each State under a grant under subsection (a) an amount the bears that same ratio to such appropriated amount as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State bears to the number of all such students at the schools served by eligible local educational agencies in all States in such fiscal year.

“(d) USE OF AMOUNTS.—

“(1) IN GENERAL.—A State that receives a grant under subsection (a) shall use—

“(A) not less than 85 percent of the amounts received under the grant to provide funds to eligible local educational agencies in the State for use as provided for in paragraph (2); and

“(B) not to exceed 15 percent of the amounts received under the grant to carry out activities to develop or enhance and further the implementation of technology curriculum, including—

“(i) the development or enhancement of technology courses in areas including computer network technology, computer engineering technology, computer design and repair, software engineering, and programming;

“(ii) the development or enhancement of high quality technology standards;

“(iii) the examination of the utility of web-based technology courses, including college-level courses and instruction for both students and teachers;

“(iv) the development or enhancement of State advisory councils on technology teacher training;

“(v) the addition of high-quality technology courses to teacher certification programs;

“(vi) the provision of financial resources and incentives to eligible local educational agencies to enable such agencies to implement a technology curriculum;

“(vii) the implementation of a centralized web-site for educators to exchange computer-related curriculum and lesson plans; and

“(viii) the provision of technical assistance to local educational agencies.

“(2) LOCAL USE OF FUNDS.—Amounts received by an eligible local educational agency under paragraph (1)(A) shall be used for—

“(A) the implementation of a technology curriculum that is based on standards developed by the State, if applicable;

“(B) professional development in the area of technology, including for the certification of teachers in information technology;

“(C) teacher-to-teacher technology mentoring programs;

“(D) the provision of incentives to teachers teaching in technology-related fields to persuade such teachers to remain in rural areas;

“(E) the purchase of equipment needed to implement a technology curriculum;

“(F) the provision of technology courses through distance learning;

“(G) the development of, or entering into a, consortium with other local educational agencies, institutions of higher education, or for-profit businesses, nonprofit organizations, community-based organizations or other entities with the capacity to contribute to technology training for the purposes of subparagraphs (A) through (F); or

“(H) other activities consistent with the purposes of this part.

“(3) AMOUNT OF ASSISTANCE.—In providing assistance to eligible local educational agencies under this section, a State shall ensure that the amount provided to any eligible agency reflects the size and financial need of the agency as evidenced by the number or percentage of children served by the agency who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

#### “SEC. 2504. TECHNICAL ASSISTANCE.

“From amounts made available for a fiscal year under section 2310(a) to carry out this part, the Secretary may use not to exceed 5 percent of such amounts to—

“(1) establish a position within the Office of Educational Technology of the Department of Education for a specialist in rural schools;

“(2) identify and disseminate throughout the United States information on best practices concerning technology curricula; and

“(3) conduct seminars in rural areas on technology education.”

Mr. KENNEDY. We expect that momentarily Senator CANTWELL will be here. We have worked out a rough program and schedule for the latter part of the afternoon and through the evening. We will be able to move along on that program, and we want to thank all of our colleagues for their cooperation.

We have some of the important remaining amendments with which we have to deal, but we have been able to work out a process and a procedure to get time agreements on most of these. So Members will know when these amendments are going to come up. The leader had indicated that we would be voting through the afternoon and into the evening, and there is every expectation that we will continue to do so.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459 AS FURTHER MODIFIED

Mr. DODD. Madam President, I ask unanimous consent amendment No. 459, the Dodd amendment, be before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

Mr. DODD. I understand we have half an hour of time to debate this amendment. Is there a time agreement?

The PRESIDING OFFICER. There is no time agreement.

Mr. REID. If the Senator from Connecticut will yield, we ask that the Senator from Connecticut, the Republican leader, and Senator KENNEDY agree to a half hour evenly divided.

Mr. DODD. I may use less than that. We have talked a lot about it already. The Senator from New Hampshire has spoken eloquently and at length in opposition. I presume we could get done prior to that. We say "half an hour." Then we think we have to use it. If not, we could get done before. With the admonition of the Senator from Nevada, we will try to move this along.

Mr. REID. Will the Senator yield?

Mr. DODD. I yield.

Mr. REID. As part of the proposed unanimous consent agreement, I ask unanimous consent there be no second-degree amendments prior to the vote, which should be shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I raised this amendment a week or so ago. We spoke on it on several different occasions. It was interrupted at various times, other amendments were offered, and this amendment was laid aside.

I say to my colleagues, I offer this amendment on behalf of myself, Senator BIDEN, and Senator REED of Rhode Island. This is an amendment that was first offered in the other body by the distinguished Member of the House, Congressman CHAKA FATTAH of Philadelphia.

This amendment is strongly endorsed by the Council of Great City Schools, Leadership Conference on Civil Rights, National Education Association, the National PTA, a coalition of 180 national organizations including AARP, AFL-CIO, American Veterans Committee, Catholic Charities, Children's Defense Fund, the Congress of National Black Churches, the League of Women Voters, the National Council of Jewish Women, the National Council of La Raza, the YWCA and YMCA, just to name some.

CHAKA FATTAH made an eloquent argument in the other body about the value of this amendment. Basically what it does is the following:

Since 1965, for 36 years, we have written into the Elementary and Secondary Education Act language that says that in each school district in America there must be a comparable educational opportunity for every child. For 36 years that has worked rather well. We improved education—but there are still gaps in it. Nonetheless, 36 years ago we said for those school districts we believe that all children, regardless of their circumstances of birth, ought to have a comparable education.

Some school districts have student populations vastly in excess of what some States have. The school districts of Los Angeles and New York individually have school populations in excess of the student populations in 27 States. Those school districts are highly diverse, in terms of the number of children from various economic backgrounds within those school districts.

My amendment says we ought to apply that same standard to the States. Why do I say that? This bill asks that children do a better job, be more accountable, be more responsive. To do that, we are going to require a test in this bill. The underlying bill says that every third, fourth, fifth, sixth, seventh, and eighth grader is now going to have to take a test.

Prior to the adoption of this bill, we had mandates from the Federal Government that said there would be three tests in that age group. So we have mandated that there be accountability already. We are not breaking new ground. We are extending it.

Also in this bill we say the teachers need to be more accountable and more responsive. We say school districts need to be accountable and more responsive. We say parents do, school boards do. We say we, at the Federal level, need to be more responsible and demand greater accountability. The one missing element in this entire chain, from the infant child in school to the Federal Government, where I have named virtually everybody from the child to Uncle Sam—one element is missing in that litany. The one element is the States. There is nothing in this bill that requires that the States be accountable or that the States be responsible.

Remember, title I was written 36 years ago because we thought, at the national level, not enough was being done to serve the most needy children in America. That was the rationale behind the Elementary and Secondary Education Act—to provide Federal moneys to the States, to help them serve the most needy children.

Over the years we provided a lot of money, about 6 cents on every dollar. Madam President, 94 cents for educating children comes from States and localities.

If we are going to demand greater accountability, and that students do better in school, that there be higher standards that are to be met, how do we exclude one of the elements here re-

sponsible for at least a part of that 94 cents? It is certainly more than the 6 cents the Federal Government supplies. Is it really that radical to say: Mr. Governor or State education board, will you see to it, or work towards achieving comparability of educational opportunity within your State?

I am not mandating success. I don't think you ought to do that. We cannot do that. But to say to a child in Connecticut or a child in the State of Washington or New Hampshire or wherever else they may be, that because of the accident of where you are born, being born in that State should not mean you can end up with an entirely different educational opportunity.

My bill says over the next 6 years—not right away—within 6 years, you will write to the Secretary of Education, under this amendment, if it is adopted, providing assurance that you have such a plan and that you have begun to implement it. And by the way, if 6 years is not long enough, I will give you 2 more under this amendment. That is 8 years.

If you do not do it, what happens? It is left to the discretion of the Secretary to withhold some of the administrative funds under title I—not title I funds. The idea is to urge the States to join with us. Many States, Madam President, as you know and I know, are working hard at this already, just as most school districts are working hard, just as most parents are working hard, and most school boards are working hard. We are not demanding greater accountability in this bill of every school district, parent, child, and teacher because we think they are all failing. We do not believe that. We believe some are.

I believe some States are not doing enough. If I can demand accountability and responsibility of a child, a parent, a teacher, a school board, a school district, and the Federal Government, is it too much to ask that we seek at least an effort on the part of our States to improve the quality of educational opportunity?

I do not think I need to go back and lay out all the arguments. We all know the days of saying this ought to be exclusively, totally a local effort are gone. That may have had great value in the 19th or most of the 20th century when our economic future and success depended upon a child from Connecticut competing with a child from New Hampshire or Massachusetts, or one from Illinois competing with someone in the State of Washington.

But we have entered a global economy. We better have a national vision when it comes to education and national standards. Leaving no child behind means just that. That is why the President has raised this subject matter with the priority he has.

The American public wants to see our public schools do better. The President said leave no child behind and he is enforcing this bill because he believes that by testing children, testing

teachers, putting real stringent requirements on school districts, on parents and on ourselves, we are going to raise those standards. I did not hear the word "States" there. That 94 cents that goes to the education of a child, a substantial part of it comes from the States.

I know my State is working hard at this. We have had court cases pending. I know the Governor and the State legislature work at this. I have no problems whatsoever with States that are trying to get this job done. But unfortunately, as I said a moment ago, there are jurisdictions in this country which have not been as responsive or have not been as accountable to the desire to see to it that all children will be given an equal opportunity to succeed.

It has been 47 years since the Supreme Court of the United States, just across the street here, passed *Brown v. Board of Education*, almost a half century ago. When they said separate and unequal schools can no longer be permissible, it was almost a half century ago. There is not one of us in this Chamber who does not know as a matter of fact, even in the States that are trying harder, that *Brown v. Board of Education*, that 9-0 decision, has yet to provide the kind of relief of the problems that too many of our children are facing. They are separate and they are in unequal educational opportunities. I do not care what State you go to, that is the case. Some States are working at it and some are not.

Madam President, almost 50 years later I do not think it is too much to ask that State education authorities or our Governors should also be asked to join in this effort. We cannot do it without them. This is not some peripheral organization here. This is about as critical as it gets. If we are going to be looking for better results and excluding the States from stepping up to the plate and becoming a part of this assessment, then we are missing a major part of the equation necessary to achieve that success.

I do not point an accusing finger at any Governor, State agency, or board.

We don't tell them how to do it. We don't lay out in some excruciating detail of micromanaging how each State ought to try to achieve it. We don't say identical at all. We say comparable.

I know I will hear from my friend from New Hampshire suggesting that I am using a cookie cutter—that every jurisdiction within a given State is going to have to develop an identical plan. Nothing could be further from the truth. We are talking about comparability. The word was chosen because it is in existing law. It has been there for almost four decades—comparable educational opportunity at a district level. I am expanding the concept to include the States. We are expanding and doing a lot of things new. The Federal Government is not new to having mandates. We shut off all Federal funds if States don't do a better job on school violence. We mandate

that there be testing done at the elementary level in America. We have done that for years. We are mandating that districts offer comparable education. These are all mandates. We are not breaking new ground by insisting that States join in this effort.

My colleague from New Hampshire said this is a deal breaker. What deal breaker? We deal with this bill once every 6 years. How do you exclude the States? How do you go home and say to people we have done a great job here? We are going to see much better results.

By the way, a substantial portion of that 94 cents that goes to the education of a child is going to be excluded from any accountability or any assessment, in effect.

It seems to me that if you are asking some impoverished school district to do better, or some kid growing up in a ghetto or in a rural part of America to do better, you ought to try to provide the resources to achieve those goals. And you ought to have some measurement by which you can judge whether or not everybody is pulling their fair share to see to it that we get the best results possible.

That is all this amendment is designed to do—to just add one other word to district student, district teacher, school board, Federal Government: add the word "State." However, you want to make it accountable, whether it is the educational authority, or the Governor, or whoever it is, whatever means you choose to try to achieve comparability, that is up to each State. I don't believe the Federal Government ought to be telling States how to do that. It is not identical. It is comparable.

As I have said, there are many school districts that embrace a great diversity within their boundaries. They have lived with this law for 36 years. Certainly, for school districts that have student populations in excess of the populations in 27 States—more than half of the States in this country—asking the States to step up and provide some assurance and at least making themselves open to the assessments that we ought to be requiring, I don't think is too much.

I thank CHAKA FATTAH, the Congressional Black Caucus. La Rasa, the Latino/Hispanic group, places this at a very high priority. CHAKA FATTAH said the other day that this is the No. 1 priority for the Congressional Black Caucus in their consideration of this bill. Again, groups like the YMCA, YWCA, the Children's Defense Fund, American Veterans Committee, AARP—I give great credit to retirees for supporting this effort—the Leadership Conference on Civil Rights, the National PTA, and the National Education Association are supporting this amendment. I thank them for their support.

Again, it is 6 years down the road. This doesn't go into effect next month, or next year, or the year after, if this bill is passed. We are providing more

than half a decade for States to try it and at least get themselves in a position to offer these assurances, and then a 2-year waiver beyond that and penalties to be imposed by the Secretary only to administrative funds and not to the title I funds that go to the needy children in this country.

Again, I hope our colleagues will see fit to support this amendment. I will be happy to yield the floor at this point.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire.

Mr. GREGG. Madam President, I inquire of the Senator from Connecticut, after I speak, does the Senator want to go to a vote at that time on his amendment?

Mr. DODD. I am prepared to at that point.

Mr. GREGG. Madam President, I will not try to say anything that is identical to what I said yesterday or the day before or last week on this issue.

Let me simply point out that this amendment, in my humble opinion, is one of the most significant ones we are going to take up in that it reflects and makes one of the most significant attempts to have the Federal Government become intrusive in the school systems of our country.

The practical implications of this amendment are that the Federal Government will now require that every State and all its communities have comparable educational systems. We went through in some length debate on this amendment over a couple of days last week. But, essentially, that is a role that is inappropriate for the Federal Government. The Federal Government should not be telling the State, whatever State it happens to be—Montana, Indiana, West Virginia, New Hampshire, or Ohio—you must have a school system structured so that all your school systems are comparable; so that every school system in the entire State must do essentially the same thing from school district to school district in order to meet that comparability standard.

There are States in this country that, either through court actions dealing with funding, such as New Hampshire, or through court actions maybe dealing with something beyond funding. I am not familiar with any that have gone beyond the funding issue that have determined there should be comparability within the State. There are States which may have—I don't know this—State legislators that have decided it is part of their State organizational structure for education that they want comparability.

But I also know that there are a lot of States in this country that have decided they do not necessarily want comparability because there are significant differences within that State between what one school district needs to do in order to be a good school educational system and what another school needs to do in order to be a good educational system.

Those differences are reflected in the collective bargaining agreements between where you might have one part of the State with collective bargaining agreements where teachers have introduced agreements where the teacher has a different workweek than another part of the State; or where the number of students for a classroom is different in another part of the State; or the responsibility of teachers in extra-curricular activities is different in another part of the State; or you might have a school district where States have decided that in one part of the State kids will be educated in a certain technical skill area that is unique to that part of the State—say forestry or farming—and in another part of the State that technical skill is not relevant because it is an urban part of the State; or you might have a school district in one part of the State that believes it wants to focus on foreign languages; whereas, another part of the State wants to focus on technology skills versus foreign languages, so they restructured their structure, or you might even have different schooldays. One may have a longer schoolday or a shorter schoolday.

Obviously, in the end, they probably have a State law requiring so many schooldays or the way buildings are configured may be significantly different.

States have legitimate reasons because of the weather requirements in a State. They may not want to have a comparable school system across the State and still believe that they can deliver quality education. But other States may decide they want comparability.

But it is truly the responsibility of the State to make that decision and not the Federal Government.

With the Federal Government to come in with 6 to 7 percent of the dollars spent on local elementary and secondary school education and say we have the right to demand statewide comparability is incredibly intrusive. It opens the door to all sorts of issues that I think significantly expand the role of the Federal Government in an inappropriate way.

The logic of this amendment would be that the next step is entire school systems across the country have to be comparable. Why stop at the State border?

If you are going to say that every State has to have comparable districts why would you stop there? Wouldn't the next logical step be the true nationalization of the school systems, saying that every State has to have comparable educational systems? That would be an excessive reach of the Federal Government.

I believe this amendment, as has been characterized, clearly undermines fundamentally the agreement that was reached in negotiations as to the core elements of this bill. It is a dramatic departure from the traditional role of the Federal Government, with an ex-

cessive amount of intrusion by the Federal Government. For that reason, I strongly oppose this amendment and hope it will be defeated.

I understand my colleague is going to ask for the yeas and nays and we can go to a vote.

Mr. DODD. If I could take 1 minute, I have some remarks.

Mr. GREGG. Certainly.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, I will just respond a little bit. Then we will go to the vote. I have a statement from CHAKA FATTAH. I will not read all of this, but I think the Congressman from Philadelphia makes a very strong point. He says:

If students do not have comparable opportunities, they will not have comparable results.

... There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results.

... The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of [our] colleagues will understand the importance of educational comparability as well.

Mr. President, I ask unanimous consent that the entire statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CONGRESSMAN CHAKA FATTAH  
ON THE DODD AMENDMENT

"For two days this week, the most powerful lawmaking body in the world has debated whether poor children have the right to learn in situations comparable to our wealthier students. The Dodd Amendment, No. 459, stresses the need for schools to have comparable resources. However, some are attempting to block this important vote.

Right now, the Republicans are pushing to test every child in math and reading. But if poor kids do not have certified teachers, if they don't have updated textbooks, if their class sizes are twice as large and their school districts are underfunded, then why ask for test results that are clearly skewed? If students do not have comparable opportunities, they will not have comparable results.

I wonder why some Republicans are unwilling to urge states to provide comparable educational opportunities for poor children as the Dodd Amendment asserts. There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results. However, if we want these children to take national tests, we should also strive to provide them with comparable resources. With so many state courts ruling for more equitable funding, why would some Republicans threaten to filibuster an amendment that would provide this very goal?

I have had many conversations with Senators Dodd, Biden and others on why we need

all our public schools to perform at comparable levels. They understand this and should be commended for offering this amendment. The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of their Republican colleagues will understand the importance of educational comparability as well."

Mr. DODD. To add to my colleague's point, this is not telling the States how the State system should be structured. It is not saying that if one district offers Japanese as a language, because there is an interest, they have to offer it to everybody in the State. That is not common sense.

Comparability of educational services is about comparability of educational opportunity. I cannot see why this is a controversial issue. I hope, again, our colleagues can support the amendment.

I thank my colleague from New Hampshire for his patience and yield the floor.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 459, as further modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—42

Akaka	Dorgan	Levin
Biden	Durbin	Lieberman
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Nelson (FL)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Cleland	Hollings	Rockefeller
Clinton	Inouye	Sarbanes
Conrad	Johnson	Schumer
Corzine	Kennedy	Stabenow
Daschle	Kerry	Torricelli
Dayton	Kohl	Wellstone
Dodd	Leahy	Wyden

NAYS—58

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bayh	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Campbell	Hutchison	Snowe
Carper	Inhofe	Specter
Chafee	Jeffords	Stevens
Cochran	Kyl	Thomas
Collins	Landrieu	Thompson
Craig	Lincoln	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	McCain	
Ensign	McConnell	

The amendment (No. 459), as further modified, was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 370 offered by the Senator from California be next in order; that there be a 30-minute time agreement, with no second-degree amendments, and that we have, as we have been doing on this bill, a side-by-side amendment offered by Senator HAGEL. His amendment would be debated for 30 minutes evenly divided, with no second-degree amendments to the Hagel amendment. We would vote after both amendments were offered and argued.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it looks as if we will vote at 6:30.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 370 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I would like to proceed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 370.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To award grants for school construction)

On page 302, between lines 7 and 8, insert the following:

#### Part \_\_\_\_—School Construction

##### SEC. \_\_\_\_01. SHORT TITLE.

This part may be cited as the "Excellence in Education Act of 2001".

##### SEC. \_\_\_\_02. DEFINITIONS.

In this part:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(2) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "construction" means—

- (i) preparation of drawings and specifications for school facilities;
- (ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and
- (iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(3) SCHOOL FACILITY.—The term "school facility" means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

##### SEC. \_\_\_\_03. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$1,000,000,000 for each of the fiscal years 2002 through 2006.

##### SEC. \_\_\_\_04. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

##### SEC. \_\_\_\_05. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this part a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

- (i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;
- (ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and
- (iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

##### SEC. \_\_\_\_06. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

- (1) an assurance that the grant funds will be used in accordance with this part;
- (2) a brief description of the construction to be conducted;
- (3) a cost estimate of the activities to be conducted; and
- (4) a description of available non-Federal matching funds.

##### AMENDMENT NO. 370 AS MODIFIED

Mrs. FEINSTEIN. I ask unanimous consent the amendment be modified with the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we have not seen the modification.

I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment as modified, is as follows:

On page 696, between lines 18 and 19, insert the following:

#### "CHAPTER 5—SCHOOL CONSTRUCTION

##### "SEC. 5351. DEFINITIONS.

"In this chapter:

"(1) CONSTRUCTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'construction' means—

"(i) preparation of drawings and specifications for school facilities;

"(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

"(iii) inspection and supervision of the construction of new school facilities.

"(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

"(2) SCHOOL FACILITY.—The term 'school facility' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

##### "SEC. 5352. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—Funds made available to local educational agencies under section 5312 may, notwithstanding section 5331(a), be used to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

"(b) NONAPPLICATION OF PROVISIONS.—The provisions of chapter 4 shall not apply to this chapter.

##### "SEC. 5353. CONDITIONS FOR USE OF FUNDS.

"In order to use funds for construction under this chapter a local educational agency shall meet the following requirements:

"(1) Reduce school sizes for public elementary schools and secondary schools served by the local educational agency to—

- "(A) not more than 500 students in the case of a school serving kindergarten through grade 5 students;
- "(B) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and
- "(C) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

"(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

"(3) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

##### "SEC. 5354. APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency desiring to use funds under this chapter shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require.

"(b) CONTENTS.—Each application shall contain—

- "(1) an assurance that the grant funds will be used in accordance with this chapter;
- "(2) a brief description of the construction to be conducted;
- "(3) a cost estimate of the activities to be conducted; and
- "(4) a description of available non-Federal matching funds."

Mrs. FEINSTEIN. Mr. President, I think virtually every Member of this body has been to an overcrowded school. I personally have been in schools where I have seen children learning in closets because the population of the school was so large, for example, elementary schools with over 1,000 students, many schools with many different languages. Yet it is very difficult for local jurisdictions to build

smaller schools because of the pressures of growing population.

The amendment I have sent to the desk allows funds under title V, part B, subpart 4, the Innovative Education Program Strategies, to be used to reduce the size of schools. The amendment authorizes the U.S. Department of Education to award grants as a permissible use of these funds to reduce the size of schools, in other words, to build small schools. The grants would be equally matched by the State, the local jurisdiction, or the school district. This amendment does not add additional dollars but permits use of funds under Title V that may be available.

I am introducing the amendment because I strongly believe children learn better and teachers teach better in smaller schools. Many of our schools are just too big. In fact, half of all American high school students go to schools with 1,500 or more students. Half of all American high school students are in huge high schools. Studies have shown again and again and again that student achievement improves when school and class size are reduced.

The U.S. Department of Education indicates these are some of the benefits of small schools: Students have a greater sense of belonging; fewer discipline problems occur; crime, violence, and gang activity go down; alcohol and tobacco use declines; dropout rates fall; graduation rates rise; and student attendance increases.

The ideal high school, according to education experts, is between 600 and 900 students. The National Association of Elementary School Principals recommends an elementary school size of no more than 400 for grades kindergarten to grade 5. That is the way it was when I went to public school, and that is one of the reasons I was able to learn.

Studies show that students in small schools have higher academic achievement, fewer discipline problems, lower dropout rates, higher levels of student participation, and higher graduation rates. A Tennessee study called project STAR placed 6,500 kindergartners in 330 classes of different sizes. The test scores and the behavior of students in smaller classes were better than those in larger classes.

We know that small class size benefits. We also know that in a society as diverse as ours, when some schools have as many as 40 different languages, smaller schools benefit students and teachers as well.

Under this amendment, schools receiving grants that would be equally matched would have to meet the following size requirements: For kindergarten through fifth grade, not more than 500 students; for grades 6 through 8, not more than 750 students; for grades 9 through 12, not more than 1,500 students.

This amendment will provide a new funding source for school districts or States to build new schools with the

explicit goal of reducing school size. We need to build 6,000 new schools in this Nation just to meet enrollment growth projections. That is not going to happen if there isn't some Federal help. By amending title V and making this a permitted use—grants for small schools—I hope school districts will have an incentive to build small.

Let me give examples of large schools. In Mapleton, UT, 832 students in an elementary school; Narragansett Elementary School, in Rhode Island, 710 students; Coral Gables Elementary School, FL, 748 students; Munford, AL, Ophelia Hill Elementary, 730 students; Gosnell Elementary, in Arkansas, 788 students. It isn't only the big States, it is the small States, too.

Right nearby in Herndon, Virginia, we have a middle school of 1,285 students and Rocky Run Middle School, also in Virginia, 1,350 students. A combination middle school and high school in Florida, in River Ridge Middle and High School, 3,260 students in one school.

Here are some examples of large high schools. Olympic Heights Community High School, Palm Beach, FL, 2,405 students; Camelback High School, Phoenix, AZ, 2,557 students; Georgia, in South Gwinnett High School, 2,550 students; in Lyons, IL, 3,087 students; and Waipahu High School, in Hawaii, 2,434 students.

California, as the Senator from Connecticut pointed out, has some of the largest schools in the country. Los Angeles has some of the largest classes and schools in the world. Let me give an example. In Los Angeles, Hawaiian Elementary—elementary—1,365 students; South Gate Middle School—middle school—4,442 students; Belmont High School, 4,874 students.

I have been in some of these schools.

If we can provide an incentive for local jurisdictions to build smaller schools, educational experts now say that beginning schools, elementary schools, do not have to be in a special campus. We can have a campus within a campus or have a small school as part of a commercial setting, for example.

The important thing is "small." Small is better when it comes to education, particularly in the lower grades, and particularly when one has a varied socioeconomic structure, one has many different languages. Schools I have been in—and I will tell you this—have been a cacophony of sound, so many students, so much noise, everything in shifts; a shift for the lunch, everything in track; track 1, track 2; and, again, 40 different languages spoken.

I hope the Senate sees fit to pass this amendment. As I said, the amendment does not add new funds. It would simply amend title V to make as a permissible use of title V funds, grants that would be equally matched, Federal dollars with state or local dollars, to build small schools in the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 797 TO AMENDMENT NO. 358

Mr. HAGEL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nebraska [Mr. HAGEL], for himself, Mr. CAMPBELL, and Mr. KYL, proposes an amendment numbered 797.

Mr. HAGEL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that certain schools be given priority in the allocation of school construction assistance)

At the appropriate place, insert the following:

**"5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.**

**"SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.**

"(a) FINDINGS.—Congress makes the following findings:

"(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

"(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over \$2,000,000,000.

"(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

"(1) school construction bond programs or school renovation bond programs; or

"(2) amounts provided for school construction or renovation under—"

Mr. HAGEL. Mr. President, I join my colleagues, Senators CAMPBELL and KYL, in offering this amendment which reconfirms the Federal obligation to the Bureau of Indian Affairs schools, Department of Defense schools, and Impact Aid schools. While we all agree that steps need to be taken to modernize and improve the conditions of our schools nationwide, one question continually permeates this debate and makes consensus difficult. This question revolves around what should be the appropriate role of the Federal Government with respect to school construction.

Senator FEINSTEIN would like to reduce class size by constructing more classrooms. That is an admirable goal, one to which I think we all are committed. However, before the Senate authorizes funding for general school construction, we have an existing obligation that we should meet first. The



Federal Government has a responsibility to educate Native American children and the children of men and women who serve the Federal Government. This obligation includes building and repairing the schools these children attend.

The need for school repair is great. There is no dispute about this need. The General Accounting Office estimated in March 2000 that it will cost \$112 billion to repair and modernize U.S. schools. The National Education Association estimates that it will cost more than \$300 billion to repair and modernize U.S. schools.

However, before we can allow Federal funds to flow to locally supported schools for these purposes, as noble and worthy as these purposes are, we, the Federal Government, have our first obligation to ensure the facility needs of BIA, DOD, and Impact Aid-supported schools are met.

The Bureau of Indian Affairs operates 185 schools across the country. Impact Aid reaches more than 1,600 schools serving 1.2 million federally connected children. The Department of Defense operates 70 schools nationwide. The repair needs of these schools reach well over \$2 billion.

Due to military base realignments, the Fort Hood public school district in Texas is now using over 200 trailers to serve students.

The Waynesville School District in Missouri needs to replace a high school that was built in the late 19th century.

In my home State of Nebraska, your home State, Mr. President, the Bellevue public school district needs a new middle school, and the Winnebago School District has over \$3 million in needed immediate repairs and construction.

The amendment I offer today along with my colleagues from Arizona and Colorado will assure we meet our commitment to the children attending Bureau of Indian Affairs, Impact Aid, and Department of Defense schools, schools we clearly have a Federal obligation to support.

We must meet these clear Federal obligations first.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HAGEL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 370 AS MODIFIED

Mr. KENNEDY. Mr. President, I first thank Senator FEINSTEIN for her amendment and urge the Senate adopt it. We have in the legislation what is called title V. That provides flexibility in the States and local communities—20 percent is retained to the State; 80 percent goes to the local communities. Half is distributed under a somewhat different formula from title I, but half goes into the title I formula, the other based on population. So there are funds that will be available.

What this amendment is saying, as described by the Senator, is the resources can be used for the development of new schools.

One of the things most of us think about when we think about new schools is a brand new school appearing on a bluff or on a hill or in a field. But what we are finding out now is that many new schools are being built inside of old schools. We have had good hearings on the results of this kind of experimentation, where they are taking schools that have large student populations and breaking them down and literally having two or three or four new schools in a very large school context.

They are finding out the changing of the organization and changing of the structure and the administration and running of these institutions have had a very positive impact on the students themselves.

So this amendment will provide some flexibility in this area of new schools. It will not only try to meet some of the needs for additional construction, which we have talked about earlier in the debate on the Carper amendment and earlier than that on the Harkin amendment, but it will also permit the use of these funds which otherwise would not have been permitted for the development of new schools in older school buildings.

I think it is a useful addition. I know the initial amendment was a good deal more ambitious. I was prepared to support that enthusiastically. But I think this is an important addition, and I thank the Senator for bringing this matter to our attention.

From my own judgment, this will be a very worthwhile utilization of the title I funding that I think should be supported.

I notice the Senator from Nebraska asked for the yeas and nays. I believe, with my colleague, we are prepared to accept the Feinstein amendment, if we could voice vote that amendment.

Mr. GREGG. I think we will have to reserve our rights. We cannot do that right now.

Mr. KENNEDY. All right. Then I think the Senator reserves the remainder of her time.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts for his comments. I reserve the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 797

Mr. GREGG. Mr. President, I would like to claim the time in opposition to the amendment of the Senator from California, but right now I rise in support of the Hagel amendment and yield myself such time as I consume.

I rise in support of the amendment of the Senator from Nebraska. Senator HAGEL has proposed an amendment which is very appropriate. He essen-

tially said in his amendment, before we start doing construction activities—renovation, repair—on public schools in jurisdictions where States have responsibilities or communities have responsibilities, we ought to first do our job in our own areas where we have responsibilities, specifically in the Indian reservation areas and especially at our military facilities. Many of our military personnel have young children and those children are, first, under the pressure of being children of military personnel, which is a difficult position and it puts a lot of pressure on the family. And, second, a lot of them are in school buildings which are dilapidated and simply not up to snuff as far as being a physical facility in which education should be performed.

We, the Federal Government, have a first line of responsibility to take care of those school buildings and those school construction needs and renovation needs on our military installations. The same can be said for our Indian reservations where we have the primary responsibility through treaty agreements. There are numerous instances where the Federal Government has the responsibility of maintaining the physical facilities of the schools on those reservations. We have an obligation to do that.

I think the Senator from Nebraska has really pointed out a very appropriate obligation of the Federal Government and has prioritized this process of using funds, to the extent they are going to be used, in the renovation area out of title VI, and the use of those funds in a manner which is consistent with our obligations as the Federal Government. The Federal Government's first responsibility should be the Federal facilities, and especially to children on our military bases.

I strongly support the amendment of the Senator from Nebraska and hope it will be accepted. I look forward to voting on it.

Have the yeas and nays been ordered? The PRESIDING OFFICER. They have.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I did not comment earlier on the Hagel amendment. I join in recommending support for the amendment. As one who was the chairman of the Committee on Indian Education just about 30 years ago and was mindful of the particular needs of Native Americans, as well as those in the densely populated military districts, I think the Senator has given us a good amendment to be able to express our priority by giving focus and attention to the heavily impacted Native Americans and military districts.

I welcome the chance to support the amendment. I thank him for bringing it to our attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I understand the Senator from California has 4 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. Madam President, this amendment, offered as a perfecting amendment, was never part of the printed list of amendments. As a matter of good faith, I was under the impression that it was the perfection of another amendment.

This amendment is effectively the Enzi amendment. The effect of this amendment, if it goes into effect, is not the \$10 million of impact aid for Native Americans; it effectively, under the language of the amendment on page 3 says, "notwithstanding any other provision of law, the secretary shall ensure that assistance under such program is provided to meet the construction and renovation needs of schools receiving impacted aid."

That takes all of the previously appropriated money and effectively ends that kind of support for the schools that are expecting for this to be distributed in this month. So this is a revote on the Enzi amendment. The Enzi amendment was defeated and this amendment should be defeated.

Quite frankly, I really question—I hate to say this—the good will of our colleagues. We have been attempting to working in good-faith efforts here. I didn't object to the modification of the amendment. This is a restatement of the Enzi amendment which effectively takes all of the construction funds previously appropriated and earmarked for States—already now the States would have that—and says that money will go to a handful of impact aid areas. I hope this amendment will be defeated. It is the Enzi amendment. I ask our colleagues to review their votes at that particular time.

This effectively vitiates the action that was taken in the last Congress to help school construction across this country. With this amendment, it effectively eliminates that kind of proposal. I think it is grossly both an unfair and unwise policy.

I have the list of the allocations now from the Department of Education for each of the 50 States. I say to every one of our Members, you can be assured you will not get this money that is going to go out to your States within the next 4 weeks. It will not go out if this amendment is accepted and becomes law. That is the effect of it.

I regret that we didn't have more time to debate it. I regret that the proponent of the amendment is not here. I have been asking whether the floor manager of the bill understood this to be a repeat of the Enzi amendment. I ask him now if he knows that.

Mr. GREGG. If the Senator will yield?

Mr. KENNEDY. I can't yield on my time, since I have very little time left. I will say it is the exact language of the Enzi amendment. They are identical. That is really a misrepresentation of what this amendment is all about.

I repeat, since I haven't any further time—and we were charged on our side during the quorum call, with all of my time being charged initially—even though earlier today when the Senator wasn't here, we asked for a fair distribution of the time. We can play it whatever way our friends on the other side want, but this is not the way for good legislation or good faith.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, possibly, could you tell us what the time situation is?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining.

Mr. GREGG. The Senator from California has how much?

The PRESIDING OFFICER. No time remains.

Mr. GREGG. The Senator from Nebraska?

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes.

Mr. GREGG. The Senator from Nebraska has 4 minutes, I have 4 minutes, and there is no time on that side.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I don't know how the time is charged, but it seems to me that time is obviously being charged fairly and equitably because we are down to 4 minutes on our side, and I think the Senator from Massachusetts probably spoke for at least 4 minutes on his time.

As to the equity of time charge, I think it was reasonable.

As to the issue which the Senator from Massachusetts has asked—did I know this was the Enzi amendment—unfortunately, I didn't. But I still like the Enzi amendment. So I guess I am certainly for it. However, at this point I will yield to the Senator from Arizona, if the Senator wishes to claim time from Senator HAGEL.

Mr. KYL. Madam President, as a cosponsor of the amendment, perhaps I could have the remainder of the time.

Mr. KENNEDY. Could we ask for another 20 minutes?

Mr. GREGG. That is fine with me if you want 20 minutes equally divided. Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Madam President, first let me respond to the Senator from Massachusetts. I think he will find that this is not the Enzi amendment. That was several pages long. This is the first 21 lines of the first page of the Enzi amendment.

What this amendment says is that the impact aid which has traditionally gone to the federally impacted areas is going to be given a priority. The primary areas we are talking about are Indian reservations and military installations.

In my State of Arizona, we have more reservation Indians than any other State in the United States, and a lot of military installations.

My own view is that States and local school districts have always had the responsibility for school construction. They are the ones primarily responsible for that.

With respect to Federal involvement in primary and secondary education, our first obligation ought to be to the our first responsibilities—the Federal installations and the Indian reservations over which we have trust land responsibility. Both of them are sorely in need of these funds. Therefore, it makes sense to me that we should consider, as a distinct proposition, the first 21 lines of the Enzi amendment, which provide that the priority goes to these federally impacted areas—so that they get the money first, and what is left over can go to other school districts.

To me, that seems very logical. It seems to be the appropriate role for the Federal Government. Why would we not take care of the Federal responsibilities first as a priority and then, to the extent there is money left over, add that to what the States and local school districts spend for their schools?

Since 1967, impact aid construction has not been fully funded. The result is a huge backlog of projects. In Education Week, a school board member in the military impact district said that some districts conducted so much of their business in portable classrooms and aging buildings that they "more closely resemble prison camps than schools."

He went on to say, "Our troops are in Bosnia and those are the kinds of schools their kids are in."

I might note that the Military Impact Schools Association, which is obviously interested in this, estimated it would take \$310 million to meet facility needs in their members' districts.

I can tell you from my experience with the many Indian reservations in Arizona that you have a very similar situation with federally impacted schools in Indian Country. In fact, it is even more dire.

According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than \$7 million in facilities needs.

And facilities needs are even more pressing for America's 185 Indian schools, which educate 50,000 Indian students.

According to testimony from the director of the Office of Indian Education, perhaps half of the schools within the jurisdiction of the Bureau of Indian Affairs exceeded their useful

lives of more than 50 years, and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced.

I think it is important that we put the money first where the Federal Government has the first responsibility, which is in our military installations and Indian reservations. That is all this amendment does. There is nothing secret about it. That is all it does.

That doesn't begin to use up the entire \$1.5 billion that is available here. That is approximately the amount, as I understand it.

Again, we are simply providing the priority to the military installations and the reservations.

I commend the Senator from Nebraska as well as the Senator from Colorado, Mr. CAMPBELL, for his emphasis on getting these needs met, and I certainly hope we can adopt this amendment which establishes the priority for Federal facilities.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes.

Madam President, this is an entirely unacceptable way to do business in the Senate. The initial Hagel amendment that was printed for all of us to see applied to impact aid and Native American construction. The amount of money that was appropriated previously was \$10 million. It was represented to us that this was a technical correction about how that \$10 million was going to be expended between impact aid and Native American housing.

At the last moment, the Senator from Nebraska asked for a perfecting amendment. We, to our fault, believed that it was a perfecting amendment, but the perfecting amendment is an amendment that does not deal with the \$10 million but deals with \$1.2 billion and tracks the Enzi amendment which says the allocations of funding that had been reached under the Department of Education under the Harkin amendment of last year will be emasculated and instead there will be an entirely different distribution according to impact aid, so that every one of those States that was going to receive the aid now from the Department of Education are going to receive nothing. Somehow it will be distributed to States that have impact aid and Native Americans.

That is a perfecting amendment. That just defies understanding, logic, reason, and truthfulness. Truthfulness.

Madam President, I hope that amendment will be defeated. I will print the exact language of the Enzi amendment and the 22 lines the Senator from Arizona says—well, it is true they had 22 lines of the Enzi amendment. That is the operative language. What difference does it make if you have five other pages of it? You have 22 lines of it that say exactly what the Enzi amendment said. That is basically wrong. It is a bad way to deal with this institution.

I am surprised, quite frankly. I regret having to make these remarks when the Senator is not here. We are under a time limit on this, and this amendment ought to be withdrawn, and we ought to deal with the existing Hagel amendment. When all time expires, I am going to make that request, that we withdraw the perfecting amendment and go back to the original Enzi amendment that was distributed and that was understood to be the amendment on which we were going to act.

I yield the remaining 5 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. DURBIN. Madam President, in my home State of Illinois, we have an impact aid district. It is near the Great Lakes Naval Training Station. It needs additional Federal assistance. I supported it and asked for it over the years, and I will continue to support it.

The Hagel amendment we are considering is fundamentally inexplicable. Here we have \$1.2 billion to be given, as I understand it, to 200 impact aid school districts; \$6 million per school district if you happen to be in the lucky category of Senator HAGEL's amendment. And who will lose? Sixteen thousand school districts across America that have already made application and been approved for money for renovation of schools.

In my home State of Illinois, we are talking about \$42 million they expect to receive in the next few weeks, money that will be spent to make schools better and safer before the new school year starts. They will not receive the money under the Hagel amendment. Only one school district in my State will receive the money, some \$6 million. Quite a windfall.

I am sure they can figure out someplace to use it, but is that fair? Is it fair at this point in time, after every State in the Union and the school districts therein have made applications for \$1.2 billion in school construction money, to tell them it is over, they are not going to receive this assistance? The money that is being applied for in this construction grant is money to make schools safer so kids can go to school and have a good learning experience.

I thank the Senator from Arizona, Mr. KYL. He really explained the motive behind this amendment. It is not a matter of helping impact aid districts; it is a matter of many Senators on that side of the aisle objecting to the notion that the Federal Government would give money to local school districts.

The Senator from Arizona was very forthcoming. He said when it comes to school construction, it should come from State and local funds. That is his philosophy. This amendment reflects it. They do not want Federal assistance going to school districts across the State.

I respect the Senator for being forthcoming in his statement, but let's be

very clear that this amendment will take away \$1.2 billion in school construction funds that school districts across America have applied for to make their schools better and safer for the new school year. That is clearly the intent of it. It is not a question of helping kids in school. It is a question of ending a program which many people on the other side of the aisle just do not agree with philosophically.

I happen to believe education is the highest priority in our country. I believe that an investment from the Federal Government in making our schools safer so kids do not have the ceilings falling down on top of them, they are not stuck out in a trailer in the parking lot, they have a good classroom where they can learn, is a national priority that deserves a national investment.

Those who opposed that program in years gone by had a chance to argue against it. They lost the debate. Now they are trying with the Hagel amendment to win again.

I say to the Senator from Massachusetts, this amendment is, as he says, a last minute attempt to undermine a good program for school construction across America. Those school districts in every State are going to learn, if this amendment is adopted today, they have lost the Federal assistance they need to improve their schools. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. How much time is on this side?

Mr. GREGG. I yield to the Senator from Arizona 3 minutes.

Mr. REID. How much time remains on this side?

The PRESIDING OFFICER. Three minutes 29 seconds.

Mr. KYL. That was the time remaining on the Democratic side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KYL. And the time remaining on the Republican side?

The PRESIDING OFFICER. Ten minutes.

Mr. KYL. Madam President, I want to respond to my colleague from Illinois.

I would like to characterize my position rather than having my friend from Illinois characterize my position. He complimented me on being candid to say that I thought the first responsibility for the Federal Government in school construction is for the military installations and Indian reservations. That is correct.

That is why, in this amendment, we first apply school construction funds to the needs of the military installations and the Indian reservations because those are the schools that get no help from the States. States do not build schools on military installations of the Federal Government or on the Federal Indian reservations. Only the Federal Government has that responsibility.

Only we spend the money for those facilities.

Those facilities are in horrible condition, far worse as a general rule than the average school described by my friend from Illinois.

What we are saying is since only the Federal Government takes care of these two areas, or should, that the money we have allocated for school construction should first be applied to them as a matter of priority.

Do I have a bit of a parochial interest here? Yes, I do because we have a lot of military installations and Indian reservations in Arizona, and the conditions are deplorable on our Federal Indian reservations. Anybody in this Chamber would be embarrassed to go to these facilities, and I add to that the court facilities, the jail facilities, and a lot of other facilities. And who has the responsibility for them? The Federal Government. Again: these are the schools that do not get any help from the States.

What are we saying as the Federal Government when we say that we are going to help the States and local governments build their schools before attending to our first obligation, our Indian reservations and military installations? I say that is backwards. We already have somebody who is supposed to have the responsibility to take care of our primary and secondary education within the States. It is only the Federal Government that can take care of the military and Indian reservations. That is why I say this amendment makes all the sense in the world.

Let's prioritize the Federal dollars so we take care of our own responsibilities first and then the remainder of the funds can be distributed to the State school needs.

That is the way I characterize this, rather than the way my colleague from Illinois did. It is a matter of priorities.

I hope my colleagues will support the amendment.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The majority has 3 minutes 29 seconds, and the minority has 6 minutes.

Mr. KENNEDY. The Senator from Iowa is here. He was the proponent of the initial amendment that provided \$1.2 billion which has been appropriated and now allocated to 50 States. The initial amendment of the Senator from Nebraska had a program that was previously funded at \$10 million, and his amendment allocated that \$10 million to Native Americans. That was the initial amendment.

The Senator sent up a new amendment that was not even printed that effectively wipes out all of the money appropriated under the Harkin amendment a year ago and will deny the 50 States the funding to which they were entitled.

The remaining 3 minutes goes to the Senator from Iowa.

Mr. HARKIN. I don't know how this amendment all of a sudden came out of

the clear blue sky. We heard it was noncontroversial. This amendment robs States of millions of dollars they get on July 1 of this year. This is money we put in the appropriations bill last year. It was agreed to by the Republicans, by the Democrats, by the House, by the White House. This is all signed off on. This is \$1.2 billion that goes to States for emergencies—safety, repairs to schools, to meet fire code violations.

This is the same amendment—this amendment that is before the Senate—that was defeated May 16 by a bipartisan vote of 62-37. This is basically the same amendment. We have already defeated it 62-37. If Members vote for this amendment, they are voting to cut already appropriated funds that are going to States. Members are shifting it to important but a small number of schools in a few States.

Before Members vote, see how much money is going into your State beginning on July 1 of this year. If this amendment passes, your State will not get one cent of this money for emergency repairs to meet fire and safety codes in their schools.

This amendment was defeated on May 16—check the record—by a bipartisan vote of 62-37. This money is already appropriated. I already have the amount of money that has been allocated going to each State. The money is going out on July 1. Your school districts are counting on getting this money to meet fire and safety codes, to repair and renovate their schools. This is not building new schools. This is simply to make your schools safe.

I hope people will reject this amendment as we rejected it before by a vote of 62-37 on May 16.

Mr. CAMPBELL. Mr. President, first I thank Senator HAGEL for offering an amendment to S. 1 concerning the existing obligations the Federal Government has to Bureau of Indian Affairs, DOD and impact aid school systems, through numerous treaties, statutes, and court decisions, the Federal Government has assumed a trust responsibility to provide a quality education to Indian children.

This duty includes providing school facilities that have such basic amenities as 4 walls, heat, and healthy air to breathe. Adequate facilities and such essential necessities are not being provided to many Indian children attending Bureau of Indian Affairs, (BIA), funded schools.

Unlike communities that have a tax base to fund school construction, military reservations and Indian reservations are dependent on Federal resources. Nearly 4,500 facilities serve the Bureau's education program, consisting of over 20 million square feet of space, including dormitories, employee housing, and other buildings providing education opportunities to more than 50,000 students. These facilities serve more than 330 federally recognized Indian tribes located in 23 States through self-determination contracts, compacts and education grants.

We are not dealing here with "the unknown." The GAO and other entities have produced countless studies and surveys showing us that half of the school facilities in the inventory have exceeded their useful lives of 30 years, and more than 20 percent are over 50 years old. Numerous deficiencies in the areas of health, safety, access for disabled students, classroom size, ability to integrate computer and telecommunications technology, and administrative space have been reported by the Bureau.

As a former teacher myself, I am appalled when I visit reservations and see first hand the many schools with leaking roofs, peeling paint, overcrowded classrooms, and inadequate heating and cooling systems. The studies have shown that such deficiencies have adverse effects on student learning. By not providing secure educational facilities, we are paralyzing these children and putting them at a disadvantage that they may never overcome.

The Federal Government has responded to the problem in piecemeal fashion, often using temporary solutions instead of working on a permanent plan of action. For instance, in fiscal year 2001 President Clinton's budget requested \$2 million for "portables" or trailer classrooms that have been used since 1993. To date, the BIA has purchased 472 portables and 20 percent of the BIA's total education buildings are now portable classrooms. The request states these trailers are needed due to overcrowding and unhealthy and unsafe buildings. It states that portables are used to replace buildings or parts of buildings that have "poor air quality" that result in what the BIA calls "sick building syndrome."

New funds for Indian school construction is one of the major focuses of President Bush's fiscal year 2002 budget request with \$292.5 million slated for such purposes. Of the overall education construction budget, \$127.8 million has been requested for the construction of six schools: Wingate Elementary, NM; Polacca Day School, AZ; Holbrook Dormitory, AZ; Santa Fe Indian School, NM; Ojibwa Indian School, ND; and Paschal Sherman School, WA.

As of January 2001, the repair and rehabilitation, and renovation backlog for Indian education facilities and quarters stood at \$1.1 billion and is even greater today.

I understand the underlying notion of the Feinstein amendment, but I think this body should affirm our existing obligations to this Nation's DOD, Indian, and impact aid schools before we undertake even greater obligations.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 seconds and the Senator from New Hampshire has 6 minutes 59 seconds.

Mr. GREGG. Madam President, I make a point: For all the concern which the other side has, I believe the

other side has a right to know of the amendments that come forward. The confusion about this is unfortunate. The fact is, this amendment is a legitimate second degree to the underlying amendment, and therefore would have been in order if we had been functioning under the traditional parliamentary system. We are functioning under a system where we don't second degree; we have side-by-sides. As a second degree, it would have wiped out the Feinstein amendment. That is just a statement of where we are parliamentarily.

I yield the floor.

Mr. HARKIN. I ask to be recognized for 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I make it clear again: On May 16 an amendment was offered by Senator ENZI of Wyoming that would have redistributed \$240 million of the \$1.2 billion that is going out for school repair. That amendment was defeated by a vote of 62-37. That would have only redistributed \$240 million. This amendment before the Senate takes the whole \$1.2 billion and puts it into Impact Aid.

If a Member was opposed to taking \$240 million out of the school renovation repair for fire and safety code on the Enzi amendment, that Member surely ought to be opposed to taking \$1.2 billion and putting it into Impact Aid and taking it away from our schools for meeting safety and fire codes in our local school districts.

Mr. KENNEDY. I ask to proceed for 2 minutes and give 1 minute to the Senator.

The initial Hagel amendment was 549; what was called up was No. 797 and was not printed. This was \$10 million which we understood was going to be perfected in some way, as we have been perfecting amendments all day long on the floor and granting that permission—although it takes consent to do it. We expected that perfection would be along the lines of the Hagel amendment, a drafting error. Instead, what was called up is a completely different amendment, 797, that was not even printed and otherwise would be out of order since it was not filed in time. Instead of \$10 million, it is \$1.2 billion.

I think that is a gross misappropriation. I ask, therefore, that the perfecting amendment be withdrawn and that we vote on the initial Hagel amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. I suggest the absence of a quorum.

Mr. GREGG. I believe I have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Massachu-

setts is expressing his frustration about the situation. But the situation is not, as I mentioned before, so far from what a typical parliamentary situation would be. All the first degrees had to be cleared, that is correct, but no second degrees had to be cleared. So there have been second degrees which are not being set up as second degrees because of this side-by-side process, which has been very constructive, so that everybody gets a vote on what their position is. They have been relevant to the first degree but have not been filed. So this is a second-degree amendment which is being held as a side-by-side amendment.

That being said, simply, once again, to clear the parliamentary errors from where we are from our perspective.

I yield the floor.

How much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. GREGG. I ask unanimous consent we stand in a quorum call for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator can suggest the absence of a quorum. It will require further consent to terminate the call. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I wanted to ask if it would be appropriate—

The PRESIDING OFFICER. A quorum call is in progress.

Mrs. HUTCHISON. I ask unanimous consent the quorum call be lifted for—

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued the call of the roll.

#### AMENDMENT NO. 797, WITHDRAWN

Mr. HAGEL. Mr. President, I ask unanimous consent that the yeas and nays on my amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. HAGEL. Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Was the amendment withdrawn, or did the author of the amendment intend to withdraw it?

Mr. HAGEL. Mr. President, my intent is to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object—of course I will not object—I cosponsored it because I felt very strongly that it was some-

thing we should do. I hope that sometime we will prioritize Federal funds for our responsibility to Federal military and Federal Indian reservation installations. I hope at some point we can get along with it. But, obviously, I don't object to withdrawing the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: I ask the distinguished manager of the bill if there will be another opportunity with appropriate notice to have a vote on the Federal priorities for Federal schools because I, too, am very interested in our military schools and our Indian schools being a first priority. That is my inquiry.

Mr. KENNEDY. Mr. President, there are amendments which are filed to that effect and that are in order. I don't have the list as to that particular measure in front of me.

Mr. GREGG. Mr. President, I think there is an amendment coming up that would be relevant to a second degree. If the Senator wishes to bring it back, it would be available at that time.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Nebraska that his actions tonight, because of a misunderstanding that could have been on our part, only magnify my feelings about the Senator from Nebraska. This was very classic action on his behalf, and I personally appreciate it.

Mr. KENNEDY. Mr. President, I join in that. The Senator has given me a good explanation of what his plans were and what his intentions were, and they were completely honorable—not that they are not always honorable.

His explanations made a great deal of sense to me when he explained what he had intended to do. So we were caught up in a difficult situation. I am enormously grateful to him for this action. We are more than glad to accommodate Senators as we move on. We will have another opportunity.

On the basis of the substance, if he wants to, I will certainly ask consent that we be able to consider the Senator's amendment at a time, if he chooses to do so, later in this debate. We will all have an opportunity to vote on it at some time. I will take the opportunity to discuss this with the Senator and other interested Senators at a later time.

I thank him very much.

Mr. HAGEL. Mr. President, may I respond. I appreciate very much the work of my friends and colleagues from Nevada and Massachusetts. I would very much like to accept the invitation of the distinguished senior Senator from Massachusetts to at a later date have an opportunity to revisit this subject.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

#### AMENDMENT NO. 370, AS MODIFIED

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 370, as modified, offered by

the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 181 Leg.]

#### YEAS—52

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Graham	Reed
Byrd	Harkin	Reid
Cantwell	Hollings	Rockefeller
Carnahan	Jeffords	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Smith (OR)
Clinton	Kerry	Stabenow
Collins	Kohl	Torricelli
Conrad	Landrieu	Torricelli
Corzine	Leahy	Wellstone
Daschle	Levin	Wyden
Dayton	Lieberman	

#### NAYS—46

Allard	Fitzgerald	Nickles
Allen	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Snowe
Campbell	Helms	Specter
Chafee	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McCain	
Enzi	McConnell	

#### NOT VOTING—2

Inouye Murkowski

The amendment (No. 370), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have the Senator from Washington, Ms. CANTWELL, who has an amendment. As I understand it, there will probably be a side-by-side amendment that will be offered on that from the other side. It is the desire that both of those would be considered together probably on the morrow.

We have the Senator from South Carolina and Senator WELLSTONE to speak. We are prepared to take the Nelson amendment now and include that. It has been cleared. Later on in the evening, we will have a voice vote on the amendment of my colleague, Senator KERRY. There is going to be, as I understand it, from the other side, a side-by-side amendment to that of the Senator from South Carolina. That is going to be available tonight, and it is

going to be printed tonight. I don't know whether the Senator from Pennsylvania intends to speak about it tonight or not. We are just trying to get the general lay of the land so that the Members will know the way we are going to proceed. That is sort of what we have on track.

Then we have a full morning tomorrow with the Senator from Connecticut and his amendment. We will then dispose of these other measures.

I see the majority leader here. I know he wants to address the Senate.

Mr. DASCHLE. Mr. President, I compliment both managers. I thank especially my colleague, Senator KENNEDY. We have made a lot of good progress today. Obviously, we have a full night's work tonight. With that understanding, I have talked with Senator LOTT, and I think we are prepared to say tonight there will be no more votes. We will have those two votes side by side tomorrow at 9 o'clock.

So we will begin again following our work tonight with the votes tomorrow, and we will go on to the Dodd amendment and the order that Senator KENNEDY has suggested.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Was the Senator propounding a unanimous consent agreement?

Mr. KENNEDY. No, I was not propounding a consent request. I was stating the way the managers would like to proceed. We are trying to proceed in good faith. We have talked to the different Members, and that seemed to be acceptable. We wanted to let the Members know.

Mr. WELLSTONE. Senator HOLLINGS and I were under the impression we would vote tonight. Sometimes when colleagues are gone, it is like spitting in the wind. If we are going to do it tomorrow, could we have—and this would hold true for Senator SANTORUM—5 minutes each to summarize tomorrow?

Mr. KENNEDY. Yes.

Mr. DASCHLE. Mr. President, we will put forth a unanimous consent request, which we will be prepared to propound later tonight. We will take that request into consideration.

Mr. KENNEDY. Mr. President, so we will continue through this evening. If there are other Senators with other amendments, we will try to continue the process. We have made good progress during the day, and we have some remaining important amendments tonight, and particularly in the morning. We thank our colleagues for their cooperation. We can move ahead.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent to modify amendment No. 630.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object—and I will not—it is my understanding that the Senator from Washington is going to take about 5 minutes; is that right?

Ms. CANTWELL. About 7 minutes.

Mr. REID. Seven minutes.

Mr. GREGG. Reserving the right to object—

Mr. KENNEDY. Mr. President, will the Senator proceed now, and we will have a chance to look at the modification and make the request for the modification perhaps later at the conclusion of her remarks? If I could suggest that to the Senator.

Ms. CANTWELL. I will call up—

Mr. KENNEDY. If the Senator wants to proceed with her presentation, and then we will have an opportunity for the other side to review the modification. I am sure it is in order, and we can modify the amendment and dispose of this tomorrow.

#### AMENDMENT NO. 630 AS MODIFIED

Ms. CANTWELL. I will call up amendment No. 630, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 630, as modified.

Mr. KENNEDY. Mr. President, there is no objection to the modification.

I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To provide additional requirements)

On page 363, line 12, after "disability," insert the following: "It shall be a further goal of this part to encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based methods that can be widely implemented into best practices by State and local educational agencies."

On page 369, between lines 6 and 7, insert the following:

"(2) outlines how the plan incorporates—  
"(A) teacher education and professional development;

"(B) curricular development; and

"(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by State and local educational agencies;"

On page 375, between lines 18 and 19, insert the following:

**"SEC. 2309. NATIONAL EVALUATION OF TECHNOLOGY PLANS.**

"Not later than 36 months after the date of enactment of this title, the Secretary, in consultation with other Federal departments or agencies, State and local educational practitioners, and policy makers, including teachers, principals and superintendents, and experts in technology and the application of technology to education, shall report to Congress on best practices in implementing technology effectively consistent with the provisions of section 2305(2). The report shall include recommendations for revisions to the National Education Technology Plan for the purpose of establishing best practices that can be widely implemented by State and local educational agencies."

Mr. KENNEDY. Mr. President, the Senator from Washington will proceed for 7 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.



Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment to the Elementary and Secondary Education Act that embraces the powerful role technology can play as a tool in educating our Nation's children.

Before I proceed further, I thank Senator KENNEDY for his exceptional work and leadership on this bill, and I thank Senator ENZI for his work in helping me develop this amendment. His leadership in technology issues during his tenure in the Senate has been outstanding, and I look forward to the continued work on these and other important technology issues.

Technology has brought innovation and efficiency to our lives through businesses, and now it is time to make sure we make those same achievements in our educational system.

Across the country, we have seen the proper uses of technology can transform a curriculum into a multimedia interactive experience that not only helps children learn more effectively but also fosters a student's passion for learning.

Numerous recent studies, including some done by the Department of Education, the White House Office of Science and Technology, and the Rand Corporation, have shown that technology serves the goal of education in several important ways: Supporting student performance, increasing motivation and self-esteem, and preparing students for the future.

Last fall, a San Francisco-based independent research organization released a study showing that the integrated use of computer technology in schools significantly increases learning. The study focused on the first 3 years of Microsoft's Anytime, Anywhere Learning Program which provides laptops for students and their teachers to integrate technology into the classroom and into their daily classwork. The study showed it improved the students' writing and encouraged collaboration and more involvement with their school classwork.

So we understand that the potential of education and technology is no secret. But what we are finding today, as this chart shows, is that much of the investment has been made, in fact, in equipment. The chart shows that unless technology is properly integrated into curriculum, students will not realize the benefits of having access. Without teachers who know how to use computers to teach children, they will not benefit. When teachers are well trained and technology is used effectively to unleash children's imagination and creativity, magical things happen in our educational system.

Take, for example, Tonasket, WA, where a teacher, Larry Alexander, combined computer technology and a 500-tree apple orchard to teach his fifth grade class about science, math, and technology. The kids studied a range of topics, including cell growth, life cycles, geometry, economics, and hands-

on learning experiences, literally becoming the most favorite program in the school.

What the Cantwell-Enzi amendment says is that in addition to computers and access, we need to assure teacher training and curriculum development. The Cantwell-Enzi amendment takes the first step in bridging the technology and teaching divide. The amendment says the technology block grant program for State and local agencies should be amended so that instead of just putting dollars into technology under the title II program, States applying should integrate their system resources with teacher training and professional development and curriculum development, thereby assuring a focus on teacher training and curriculum development and not just on equipment.

There are many examples of success to which this kind of legislation can lead, but I want to give one example from the State of New Jersey where a neighborhood of Cuban citizens and a school in Union City have made great success. I ask unanimous consent to print in the RECORD an article that appeared in Business Week in the last year on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIRED SCHOOLS—A TECHNOLOGY REVOLUTION IS ABOUT TO SWEEP AMERICA'S CLASSROOMS

In 1989, the schools in Union City, N.J., an impoverished Cuban enclave along the Hudson River across from Manhattan, were among the nation's worst. They received failing marks in 44 of the 52 categories New Jersey used to assess schools, and state officials warned they would seize control if Union City didn't shape up. The threat prompted many changes in Union City, including a technological transformation of its entire educational system. Aided by Bell Atlantic Corp.

(<http://host.businessweek.com/businessweek/corporate/snapshot.html?Symbol=BEL&Timespan=260>), officials equipped the schools and students' homes with a network of computers, creating "one of the most, if not the most wired urban school district in the U.S.," says Margaret Honey, director of the Center for Children & Technology in New York City. But Union City did far more than simply buy computers. The school day was restructured into longer classes; teachers were given 40 hours of training a year, up from 8; the district's school budget more than doubled; and the traditional curriculum, emphasizing rote learning, was scrapped so students would work on joint projects such as researching a report on inventions. "The dynamics have changed tremendously," says Mary Ann Sakoutis, a 37-year veteran social studies teacher at Union City's Emerson High School, whose U.S. history students now spend much of their time on the Net researching such events as the Spanish-American War. "The kids are more involved, and I am no longer force-feeding them." It shows. Last year, Union City topped all New Jersey cities on state tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from 8 in 1997, the last class taught the old-fashioned way, to 63 in 1999.

\* \* \* \* \*

Ms. CANTWELL. The article says:

But Union City did far more than simply buy computers. The school day was reconstructed into longer classes; teachers were given 40 hours of training a year—

And the school district doubled its budget—

and the traditional curriculum of emphasizing rote learning was scrapped so students could work on joint projects such as research reports and inventions.

The article further says that the kids are more involved and they are no longer being force fed in the educational system. The result is, the article says, that Union City topped all New Jersey cities on State tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from just 8 of their graduates from Union City in 1997, the last time a class was taught the old-fashioned way, to 63 accepted graduates in 1999.

I think it shows the success of our focus on technology ought to be on curriculum development, teacher training, and on integration of the system.

This amendment asks that the Department of Education analyze after 3 years the best practices so we can scale the use of these best practices into our educational system in this country.

I yield back the remainder of my time.

THE PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic cosponsor of the Cantwell-Enzi amendment. For some time, we have been working together to make sure there is not a digital divide in the United States of America. Both in the budget and in other amendments in this bill, we have passed legislation to provide access to technology, but we also have to be sure our children have access to people who know how to teach technology.

Bill Gates said that if you have access to technology and know how to use technology, whether you are a person, a county, or a country, your future is bright, but if you do not have that access, your future is dismal.

As we are working on our legislation, we want to make sure we have access to technology, but it is not only about gadgets, it is not about gear, it is about opportunity and empowerment.

We need to make sure the children do have technology, but the single most important thing is teacher training—that the teachers themselves know how to use technology and then also, through creativity and new ingenious software, get our children ready for the future.

We do not have a worker shortage in this country, but we do have a skill shortage. K-12 is the farm team for the future. Just as we have little leagues for baseball, we have to make sure our teachers are big league and ready to teach technology.

I am pleased to continue to support the legislation that ensures there is no digital divide. The amendment offered

by the Senator from the State of Washington is just what we need to make highest and best use of the technology we are going to provide. I congratulate her on her research, creativity, and the practicality of her amendment. I look forward to voting for it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I was under the impression this amendment was going to take a couple minutes, that the other side accepted it. Now I understand they are going to offer a second-degree amendment.

Mr. SANTORUM. To Wellstone.

Mr. REID. To Wellstone, not to this.

Does the Senator from New Jersey wish to speak for 5 minutes on this amendment? I ask unanimous consent that be the case. If I may, while I am proceeding, I ask the Republican manager, is there going to be a second-degree amendment offered to this amendment?

Mr. GREGG. Yes.

Mr. REID. May we vote on them in the morning?

Mr. GREGG. If the Senator will yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding we will be voting on these in the morning. If they are acceptable, there will be less time needed to debate them in the morning.

Mr. REID. They both may be accepted; is that right?

Mr. GREGG. If they are going to be accepted. I do not know if your side has reviewed the second-degree amendment.

Mr. REID. My only question is, we have Senators HOLLINGS and WELLSTONE waiting, and we know they are going to be second-degreed. Senator SANTORUM already spoke to Senator HOLLINGS. I wonder how much more time the Senator from Virginia wants on this amendment.

Mr. REID. Again, we have Senators HOLLINGS and WELLSTONE waiting. They thought they be would next.

Mr. ALLEN. We thought we were going to be introducing this amendment tomorrow morning. Copies are being made now. I believe I can give my remarks in 15 minutes this evening and it would be perfectly fine to vote. I understand people want to move forward.

Mr. REID. If the Senator from New Hampshire has the floor, maybe the Senator from Virginia could offer his amendment tonight, we could look at it, and he could speak on it sometime tomorrow and we could dispose of these two amendments.

Mr. GREGG. That is an excellent suggestion. Perhaps those folks who wish to speak on the amendment of the Senator from Washington could also speak tomorrow prior to the vote on both.

Mr. REID. Senator CORZINE only wishes to speak for 5 minutes. We have Senator HOLLINGS waiting.

Mr. GREGG. We will plan to do it that way.

Mr. REID. We vote on Senator HOLLINGS in the morning and Senator SANTORUM in the morning.

Mr. GREGG. That is correct. Senator SANTORUM may need some time, unless it is accepted.

Mr. REID. He has whatever time he needs tonight. Senator HOLLINGS and WELLSTONE wanted 5 minutes. Does he need more than that?

Mr. GREGG. The Senator from Pennsylvania is in the Chamber and can advise how much time he believes he needs in the morning.

Mr. SANTORUM. Maybe 10 or 15 minutes.

Mr. REID. We will prepare something in writing.

Mr. GREGG. Thank you.

Mr. ENZI. I wanted to speak on the Helms amendment, as well.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I rise in strong support of the amendment that develops best practices for teaching technology education, the integration. This amendment ensures that our kids benefit from new technologies that are rapidly changing the face of our country.

Before I discuss the amendment, I extend my compliments to the Senator from Washington, Ms. CANTWELL, for her outstanding leadership on this issue. Given her State and her own personal background, it is fitting she has taken the lead in this area. I think her expertise and her commitment to the application of technology in our society is a terrific addition to the Senate.

I am particularly pleased the Senator from Washington cited Union City, NJ, as one of those places that has effectively integrated computer technology into the educational system, making a real difference in the lives of children in their learning experience. We heard the statistics.

It is clear the Internet and the proliferation of computers have created a revolutionary change in our society. Yet when it comes to using the Internet to improve our schools, we have only scratched the surface. As the Senator suggested, we have done a lot regarding investing in hardware, but not a lot on the software, particularly among the teachers that have to bring the technology to our students.

We need to move beyond word processing and e-mails and get to the real heart and soul of learning in a fundamental way and make it more interesting, more effective. The same kind of productivity gains we have had in our economy we can have in education. To do that we need to do a better job of training teachers and showing them how computers can change, not just what we teach but how we teach, integrating the technology and educational experience together.

A few years ago, it would have been difficult for a fifth grader in a New Jersey school to share their experiences

with a similar class in Australia or anywhere else in the world. Now they can. A few years ago it would have been difficult for students to chat real time with real experts around the country about questions discussed in class. Now they can. A few years ago it would have been unrealistic for a teacher to involve students with interactive software that uses exciting games to teach math and science. Now they can.

However, they cannot do any of these things if teachers do not have the ability or the background to deliver those experiences. Today, many classrooms are equipped with computers, but their teachers are not equipped to integrate the computers into a learning experience. That is why this amendment is vital. Truly, it will make a difference. It will require States and local education officials to develop strategies for improving teacher training and curriculum development in order to assure that schools take full advantage of the Internet and other new technologies. There is tremendous potential and this amendment will make that possible.

Again, I thank Senator CANTWELL for her leadership on this issue. I urge my colleagues to support this important amendment, bringing the advances we have had in the rest of our society to our classrooms.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New Hampshire.

Mr. GREGG. What is the present business before the Senate?

The PRESIDING OFFICER. The Cantwell amendment, as modified, is pending.

Mr. GREGG. I ask unanimous consent to set aside the amendment, and I send an amendment to the desk and ask it be reported on behalf of Senator SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. As I understand, the Senator sent the amendment which will be offered as a side-by-side, the Santorum amendment, for tomorrow. I hope the amendment is printed and that interested Members and their staffs have a chance to take a look. We have copies available for the staff.

There is no objection.

Mr. GREGG. I withdraw my unanimous consent to set aside the Cantwell amendment so this can be a second degree. Is that correct procedure?

Mr. KENNEDY. As I understand, we are going to follow the precedent from earlier of voting side by side. We had the opportunity to vote first on the Cantwell amendment and then the other amendment, with back-to-back votes. I think that is what is intended. I think the Senator from New Hampshire agrees with me.

Mr. GREGG. Mr. President, the cleanest way to do this is, if I may inquire of the Chair, to offer this as a first degree and have the Cantwell amendment also be a first degree. Would that be the most appropriate way to proceed?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, at this moment I ask to withhold further action on the amendment I sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I want to conform to the unanimous consent agreement. Accordingly, I ask my amendment at the desk be called and reported. I take it it is an amendment in the first degree?

The PRESIDING OFFICER. The amendment as drafted is a second-degree amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent it be considered as a first degree.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 798 AND 799 TO AMENDMENT NO. 358

Mr. GREGG. Mr. President, I ask unanimous consent at this time the Santorum amendment, which I had sent to the desk, be reported and that it be considered as a first degree in a side-by-side status with the Hollings amendment which is now a first degree.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 798.

The Senator from New Hampshire [Mr. GREGG], for Mr. Santorum, proposes an amendment numbered 799.

The amendments are as follows:

AMENDMENT NO. 798

(Purpose: To permit States to waive certain testing requirements)

On page 47, after line 12, insert the following:

“(i)(I) a State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

“(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

“(bb) the State can demonstrate the presence of a comparable assessment system;

“(II) a waiver under subclause (I) shall be for a period of 1 year;

“(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined

in the plan of the State under section 1111(b)(2)(B), to—

“(aa) increase teacher pay;

“(bb) implement teacher recruitment and retention programs;

“(cc) reduce class size;

“(dd) hire additional teachers to reduce class sizes;

“(ee) improve school facilities;

“(ff) provide afterschool programs;

“(gg) tutor students;

“(hh) increase the access of students to technology;

“(ii) improve school safety; or

“(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

“(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school.”.

AMENDMENT NO. 799

(Purpose: To express the sense of the Senate regarding science education)

At the appropriate place, insert the following:

“SEC. \_\_\_\_ . SENSE OF THE SENATE.

“It is the sense of the Senate that—

“(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

“(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, following the debate here for the last 7 weeks, one would think the public school system of this Nation is in terrible, terrible disrepair. In fact, you'd think it should be closed down, a good bit of it. That is the thrust of the so-called testing approach given here, whereby for \$7 billion over a 7-year period, all who have not done so will do so immediately. In other words, third to eighth grade pupils will be tested and then found inadequate and the trustees found unresponsive. Thereby, what we have is a closing down of the public school system.

So we are going to show them from Washington. It is all out of whole cloth. The fact is, at the Federal level, we only provide some 7 cents of every education dollar. So we are not closing down the schools. And we ought to understand, at the outset, the public school system is one of the geniuses of the Founding Fathers.

It was James Madison:

A popular government without popular information or the means of acquiring it is about a prologue to a farce or a tragedy.

In the earliest days, there was Madison.

John Adams:

The whole people must take upon themselves the education of the whole people and be willing to bear the expense of it.

The reason I start in this vein, to make these quotes, is because I have observed the 20-year effort to close

down public schools: put in tuition tax credits, put in vouchers, put in charter schools—anything but give to the public schools and the pupils of America what they need.

Thank heavens for the wonderful Senator from Minnesota, Senator PAUL WELLSTONE. I had not been in on the early parts of this 7-week debate. But watching his zeal, his brilliance, and the way he has approached this particular problem, he has really been an education to all of us in the Senate.

Let's look, for example, at the Land Ordinance of 1785, whereby 4 years before the ratification of the Constitution of the United States. They divided up in the western lands of Minnesota, 6 miles by 6 miles square, 36 squares, with the provision that square 36, in the middle, be reserved for public education. And Horace Mann, the father of public schools in America, said that this law laid the foundation of the present system of free schools:

The idea of an educational system that was at once both universal, free, and available to all the people, rich and poor alike, was revolutionary. This is the great thing about America. No other nation ever had such an institution. Three centuries later it is a stranger to the bulk of the people of the world. The free public school system which the Puritans conceived, has been, in large measure, the secret of America's success. In these classrooms, children of all ages, nationalities, and tongues, learned a common language and became imbued with one central idea: The American conception that all men are created equal, that opportunities are open to all, that every minority, whether respected or despised, has the same guaranteed rights as the majority. Parents who landed here often brought with them the antagonisms, the rivalries, the suspicions of other continents, but their children became one and united in the pursuit of a democratic ideal.

Mr. President, what Mann said and persists today is what he calls the large measure of the secret of America's success—not failure, success.

I emphasize that because in the hinterlands 70 years ago, I was tested. We have been having tests, tests. The fact of the matter is I looked it up. This past school year, they spent \$422 million on testing.

Let's go to the little State of South Carolina where we have been having tests for the third through eighth grades, complete, at the cost of some \$7.8 million.

The superintendent of education in South Carolina, Ms. Inez Tenenbaum, said students under her testing system made significant and, in some cases, dramatic improvements in the latest round of tests. South Carolina increased greatly, met or exceeded the international average in the Third International Math and Science Study.

The national report card, Quality Counts 2001, published by the respected national magazine, Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards. South Carolina was ranked among the top six States in the Nation in both categories.

My little State is not affluent with a low per capita income, and with a large minority population who, for 200 years, did not have public schools.

The first thing I did the week I was elected back in 1948 was to attend the Freedom School across the Cooper River in my county in November. It was one big square building with a potbelly stove in the middle, with classes in each of the four corners, and one teacher. That is what the minorities had in 1948. We didn't start providing adequate educational opportunities for minorities until 1954 with Brown vs. Board of Education, and we are still playing catchup. It is not because we

haven't made the effort or we do not know what is going on.

I really get annoyed when I hear the Senator, not to be identified, say what we want to do is find out what works. Come on, Washington, ha-ha. We are going to find out what works.

Mr. President, I have a school that has been taken over by this distinguished superintendent. It has almost a totally black population. They have the zeal. They have the interest. They don't have the wherewithal. Now, we are helping at the State level. But to find out what works, they only have to go up to the junior high school in Columbia, SC, which was extolled in last

week's issue of Time magazine, or to the Spartanburg High School in Spartanburg, SC, which was the first 4-time Blue Ribbon School.

We know what works. We are working on what works. What really gets this Senator is potentially spending \$3 to \$7 billion on testing, according to the National Association of State Boards of Education. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED COST OF FEDERAL TESTING MANDATE FOR READING AND MATH (DOES NOT INCLUDE SCIENCE ASSESSMENT REQUIREMENT)

(Calculations on the attached chart were made using the accepted cost scale of developing and administering (scoring, reporting results, etc.) assessments. Developing state tests aligned to standards range from \$25–\$125 per student. Administering tests is an annual expense that usually runs from \$25–\$50 per student. The number of students was derived from the 1999–2000 school year enrollment statistics in grades 3–8 in each state. Since administration is an ongoing expense, it was calculated based on being implemented in the 2004–05 school year as called for in the President's proposal and detailed in H.R. 1 and running through the remainder of the seven year reauthorization term of the Elementary and Secondary Education Act (ESEA). The estimates do not include the cost of the science assessments required in 2007–08.)

States	Students, grades 3–8	Development		Administration		Total cost—development plus administration	
		\$25	\$125	\$25	\$50	Minimum	Maximum
Alabama	351,299	\$8,782,475	\$43,912,375	\$8,782,475	\$17,564,950	\$43,912,375	\$114,172,175
Alaska	64,019	1,600,475	8,002,375	1,600,475	3,200,950	8,002,375	20,806,175
Arizona	407,991	10,199,775	50,998,875	10,119,975	20,399,550	50,998,875	132,597,075
Arkansas	211,380	5,284,500	26,422,500	5,284,500	10,569,000	26,422,500	68,698,500
California	2,765,332	69,133,300	345,666,500	69,133,300	138,266,600	345,666,500	898,732,900
Colorado	331,605	8,290,125	41,450,625	8,290,125	16,580,250	41,450,625	107,771,625
Connecticut	262,403	6,560,075	32,800,375	6,560,075	13,120,150	32,800,375	85,280,975
Delaware	53,216	1,330,400	6,652,000	1,330,400	2,660,800	6,652,000	17,295,200
DC	31,634	790,850	3,954,250	790,850	1,581,700	3,954,250	10,281,050
Florida	1,126,261	28,156,525	140,782,625	28,156,525	56,313,050	140,782,625	366,034,825
Georgia	672,760	16,819,000	84,095,000	16,819,000	33,638,000	84,095,000	218,647,000
Hawaii	87,515	2,187,875	10,939,375	2,187,875	4,375,750	10,939,375	28,442,375
Idaho	112,786	2,819,650	14,098,250	2,819,650	5,639,300	14,098,250	36,655,450
Illinois	930,160	23,254,000	116,270,000	23,254,000	46,508,000	116,270,000	302,302,000
Indiana	462,285	11,557,125	57,785,625	11,557,125	23,114,250	57,785,625	150,242,625
Iowa	219,167	5,479,175	27,395,875	5,479,175	10,958,350	27,395,875	71,229,275
Kansas	214,838	5,370,950	26,854,750	5,370,950	10,741,900	26,854,750	69,822,350
Kentucky	292,915	7,322,875	36,614,375	7,322,875	14,645,750	36,614,375	95,197,375
Louisiana	345,366	8,634,150	43,170,750	8,634,150	17,268,300	43,170,750	112,243,950
Maine	100,617	2,515,425	12,577,125	2,515,425	5,030,850	12,577,125	32,700,525
Maryland	396,137	9,903,425	49,517,125	9,903,425	19,806,850	49,517,125	128,744,525
Massachusetts	458,740	11,468,500	57,342,500	11,468,500	22,937,000	57,342,500	149,090,500
Michigan	763,727	19,093,175	95,465,875	19,093,175	38,186,350	95,465,875	248,211,275
Minnesota	389,236	9,730,900	48,654,500	9,730,900	19,461,800	48,654,500	126,501,700
Mississippi	232,811	5,820,275	29,101,375	5,820,275	11,640,550	29,101,375	75,663,575
Missouri	418,709	10,467,725	52,338,625	10,467,725	20,935,450	52,338,625	136,080,425
Montana	73,408	1,835,200	9,176,000	1,835,200	3,670,400	9,176,000	23,857,600
Nebraska	130,074	3,251,850	16,259,250	3,251,850	6,503,700	16,259,250	42,274,050
Nevada	156,584	3,914,600	19,573,000	3,914,600	7,829,200	19,573,000	50,889,800
New Hampshire	102,346	2,558,650	12,793,250	2,558,650	5,117,300	12,793,250	33,262,450
New Jersey	577,632	14,440,800	72,204,000	14,440,800	28,881,600	72,204,000	187,730,400
New Mexico	152,283	3,807,075	19,035,375	3,807,075	7,614,150	19,035,375	49,491,975
New York	1,275,051	31,876,275	159,381,375	31,876,275	63,752,550	159,381,375	414,391,575
North Carolina	611,381	15,284,525	76,422,625	15,284,525	30,569,050	76,422,625	198,698,825
North Dakota	50,867	1,271,675	6,358,375	1,271,675	2,543,350	6,358,375	16,351,775
Ohio	848,082	21,202,050	106,010,250	21,202,050	42,404,100	106,010,250	275,626,650
Oklahoma	281,037	7,025,925	35,129,625	7,025,925	14,051,850	35,129,625	91,337,025
Oregon	256,063	6,401,575	32,007,875	6,401,575	12,803,150	32,007,875	83,220,475
Pennsylvania	845,909	21,147,725	105,738,625	21,147,725	42,295,450	105,738,625	274,920,425
Rhode Island	73,218	1,830,450	9,152,250	1,830,450	3,660,900	9,152,250	23,795,850
South Carolina	314,851	7,871,275	39,356,375	7,871,275	15,742,550	39,356,375	102,326,575
South Dakota	60,191	1,504,775	7,523,875	1,504,775	3,009,550	7,523,875	19,562,075
Tennessee	416,306	10,407,650	52,038,250	10,407,650	20,815,300	52,038,250	135,299,450
Texas	1,833,022	45,825,550	229,127,750	45,825,550	91,651,100	229,127,750	595,732,150
Utah	212,143	5,303,575	26,517,875	5,303,575	10,607,150	26,517,875	68,946,475
Vermont	48,157	1,203,925	6,019,625	1,203,925	2,407,850	6,019,625	15,651,025
Virginia	526,475	13,161,875	65,809,375	13,161,875	26,323,750	65,809,375	171,104,375
Washington	466,546	11,663,650	58,318,250	11,663,650	23,327,300	58,318,250	151,627,450
West Virginia	132,200	3,305,000	16,525,000	3,305,000	6,610,000	16,525,000	42,965,000
Wisconsin	393,473	9,836,825	49,184,125	9,836,825	19,673,650	49,184,125	127,878,725
Wyoming	42,606	1,065,150	5,325,750	1,065,150	2,130,300	5,325,750	13,846,950
Totals	21,582,814	539,570,350	2,697,851,750	539,570,350	1,079,140,700	2,697,851,750	7,014,414,550

	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007
Current Law	School Fails to make AYP—Year 1.	School Fails to make AYP—Year 2.	School Improvement—Year 3. New plan; 10% \$ on prof dev.	School Improvement—Year 4. (Cont'd activities)	Corrective Action—Year 5 Withold \$ or change governance or reconstitute or other	Cont'd—Year 6	Cont'd—Year 7

	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007
Best Act .....	School Fails to Make AYP—Year 1.	School Improvement—Year 2. At the beginning of year 2, school must implement, w/in 3 months, a new plan that includes: 10% funds for prof dev; re-search-based strategies to turn around.	School Improvement—Year 3. If school is still failing to make AYP, it must, starting the next school year: continue activities from previous year; and must provide public school choice options. A district may institute corrective actions.	Corrective Action—Year 4 If school failed for 3 consecutive years to make AYP, at the beginning of the 4th year it must: institute alternative governance, or replace staff, or use a new curriculum; and with no more than 15% of Title I funds, it must provide the option for transportation for public school choice and supplemental services for the lowest achieving students.	Reconstitution—Year 5 Schools that failed for four years to make AYP must go into reconstitution which requires them to: provide supplementary services; provide public school choice with transportation; and re-open the school under new governance.	Move out of reconstitution if make progress over next 2 years or repeat reconstitution	

Mr. HOLLINGS. Mr. President, it shows the cost of this particular approach.

Then we hear Senator after Senator saying curriculum, and the other one is class size. The other one is better teacher pay. The other one is more reading after school, and on down the list of particular needs. But this Washington, one-size-fits-all, unfunded mandate says do as we say do, and go through our \$7 billion exercise in futility. And come up with what? Let's assume it works. Let's assume that 30 or 40 schools in my State are closed. You can't go from one county to the other. You can't just waltz from Allendale over to Hampton. You would have to change the laws in South Carolina. We act like we know what is going on. We are the ones who do not know what is going on. We are the ones who ought to be tested. Come on.

Then, of all things, as the distinguished Senator from Minnesota has been going over and over again, we have given them the test without giving them the course.

Sure, I believe in testing. We all believe in testing. But give them the course, and test them on the course. But if you give them the women, infants, and children nutritional program, they would come into this world with strong minds. If you do not give them Head Start, which is only 30 percent covered right now, they aren't prepared to learn when they enter school. If you do not give them Title I for the disadvantaged—which we only fund at 33 percent of its authorized level—they haven't had the course. If you do not give them a prepared teacher, they don't receive quality instruction. I have had tutors go into some of the schools, and say they were rather embarrassed because the teacher spoke English poorly.

So the student hasn't had the course. But in Washington, we know what to do. We are going to mandate as much as \$7 billion in standardized tests before they have had the course. Can't we spend \$7 billion giving them the course, giving them good teachers, giving them the small classrooms, curriculum, remedial reading and math, afterschool programs, and give them a good building?

Let's take the money and assume we have had the test in effect over the past 4 years. Let's assume it proves schools are failing. So we have schools that are closed down. Let's take the

closed-down or about-to-be-closed-down schools, because they are not going to do it. Let's assume they are the poor schools. We need revenue sharing. I put that first bill in on February 1, 1967. It worked well until the Senators found out that the Governors were using it to distribute money around the States to run against Senators. Senator Howard Baker and some others repealed it. But it worked.

My distinguished colleague from California, Senator BOXER, says there is no silver bullet. But there is silver money.

What they need is revenue sharing and financial assistance for all these particular endeavors that everybody has. The side-by-side amendment is curriculum. I tend to support Senator SANTORUM on that curriculum, and all the other Senators around. But let's not try to dignify this flawed approach to public education. It is just down-right pollster politics. They haven't been able to do away with the Department. They have haven't been able to get tuition tax credits, vouchers, or charter schools, or any way to divert money to the private sector.

Incidentally, I have had children that have gone to both private and public schools. I have a daughter who graduated from Woodrow Wilson High, and another one who went to Cathedral right here in the District. I know the value of both of them.

But the duty of the Congress, the United States Senators and the United States Government is to provide, as John Adams and James Madison and Horace Mann said, public education, not private. That isn't how to do it.

We cannot oversee the private schools. We cannot dictate to the private schools. We should not dictate to the private schools. But we have a duty. Do not give me this "private approach" like somehow we don't know what works or what works better. We know.

Right to the point, if we use this money, we can get something done rather than go through an exercise in futility. We are already testing in all 50 States. You can't show me a State in the United States that does not have testing. You can't do it.

What we really need to do—and I will yield to my distinguished colleague from Minnesota in a moment—is fund what works. But now that has to really be upgraded with respect to globalization, the technology that is

needed in these classrooms, the good teachers and everything else of that kind. That is what we need to do.

Let's not waste money. In the last campaign in 1998, my challenger took me on before all the principals and talked about the bureaucracy in Washington—the Washington nanny, the Washington approach. That is exactly what this is. This is not helping the local schools at all. This is saying, we are putting you on trial, and you are going to have to pay for a good part of it. That is an unfunded mandate. Can you imagine such a thing really being signed by the President or suggested by a mature body such as the Senate?

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have?

The PRESIDING OFFICER. There is no time limit on this debate.

Mr. WELLSTONE. Mr. President, I believe I interrupted the Senator from South Carolina. I will take a couple minutes because the Senator from South Carolina has said it better than I can.

Listening to the Senator from South Carolina, I want to say a couple things. First of all, I want to say one thing personally, which is unusual to say, but I hope people were able to listen carefully to the history behind the remarks.

There are some people in our country—I am sorry, but the Senator was so kind and gracious, I just sound like a politician engaged in flattery—there are few people I have met who I so admire. I cannot believe the people that were at the heart of the struggle in the South who took on a system of apartheid. And this Senator from South Carolina is one of them. There are very few of us who have this history—very few of us. It doesn't mean Senators have to agree with his position on this amendment. But I just wanted to say that. There are some people who showed unbelievable courage and were prophetic. And I feel that way about Senator HOLLINGS from South Carolina.

When I was listening to the Senator from South Carolina, I was thinking to myself that actually there are a couple different issues here. On one of them, I spent so many hours I felt as if I was giving enough speeches to deafen the gods. And maybe that is what happened because I did not get a lot of votes on

the amendment that meant the most to me.

There were some amendments we did on testing. I say to my colleague, that make this bill better, much, much better if, in fact, it ensures that assessments do not just become standardized, multiple choice tests, and rather include multiple, high quality measures.

Then there was the question of whether or not, if we are going to mandate—my colleague talks about unfunded mandates—that every child will be tested in every State, in every school district, in every grade, then I was praying for a Federal mandate or mission that would say that we would also have equality of opportunity for every child in our country to be able to do well in these tests, to be able to achieve.

I think part of what the Senator from South Carolina is saying is that in some ways this is utterly ridiculous. We already know the schools where kids have two and three and four teachers during a year. We already know the schools where I would argue housing is becoming a major educational issue. In some of our towns kids, little kids are moving—little children that are my grandchildren's age—two or three or four times during the year.

We already know the difference between a beautiful building, that is inviting, that tells children that we care about them versus a dilapidated, crumbling building that tells children that we don't care about them.

We also know of the schools where there are toilets that work and computer technology and buildings that were warm this winter and are not stifling hot in the summer. We know that that works. As a matter of fact, most Senators can look at where their children have gone to school, and they know what works.

We already know that the smaller class sizes are good. We already know that support services for teachers are really important, whether it be more counselors, whether it be additional teaching assistants to help children read or to do better in reading or to do better in math. We already know it all. I think that is part of what the Senator is saying.

So this amendment says, if a State chooses, in its wisdom, to say, we don't really need to do this, but we would certainly make use of this money to help the children, to help our kids, to help our schools, to help our teachers, we leave it up to the States to do so.

Is my understanding correct?

Mr. HOLLINGS. Right.

Mr. WELLSTONE. Mr. President, I only have two more points to make, one point I have not made in this Senate Chamber but I have been thinking about this and thinking about this and thinking about this to the point where I just don't even know how to decide how to vote. A large part of me wants

to vote against this bill. On the other hand there are strong improvements in the bill—most particularly mandatory funding for the IDEA program. That is really important. That will help a lot of our schools, I say to Senator HOLLINGS. It really will.

But the other side of the coin is clear. I have asked a question of some of my friends who are more conservative than I. There are a number of Senators who may be more conservative than I. But I have asked them: How do we get to this point where the Federal Government is now going to mandate—first of all, the NAEP test every year. Despite NAEP's high quality these are still new tests that every State is going to have to do.

Seven years ago we started some testing under Title I, but we have not even gotten the results on that testing authorized in 1994. We have not begun to evaluate whether or not that testing has had a positive impact on student learning. But now we are going to move ahead and test every child every year.

We have the Federal Government now telling school districts—which I always thought was the heart of the grassroots political culture in America—that it doesn't matter what you have decided you need to do. It doesn't matter how you think you can be most accountable. We, the Federal Government, are telling every school district in every State, you will test every child in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. I do not know whether the Federal Government has any business doing that.

I am amazed, frankly, that there is not more opposition. It would seem to me a good conservative principle would be that this is an overreach.

Now people could turn around and say to me: Well, you, of all people, Senator WELLSTONE but, for me, when it comes to civil rights or when it comes to human rights or when it comes to the first amendment or when it comes to a floor beneath which no poor child should fall or when it comes to basic educational needs of children or that children should not go hungry, I do not think that is up to a State to decide. To me, we, as a national community, should say, no, we all live by these rules, these values.

But the other part of me is a decentrist. I do not know whether I really believe the Federal Government has any business telling every school district in every State they have to do this. I think we can very well rue the day that we voted for this.

On that philosophical point, as well as on the question of how we are setting a lot of kids and teachers in schools up for failure because we have not committed the resources to make sure they will all have the opportunity to learn, it seems to me this amend-

ment speaks of that. That is why I rise to support it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am obviously very grateful for the more than laudatory, exaggerated remarks. We are good friends. We are working the same side of the street.

Let me emphasize, with respect to our minority schools, endeavors have been made there. In 1950-51 in South Carolina, we passed a 3-percent sales tax that I authored. We were trying to play catchup ball. When we increased the sales tax, under Governor Riley, to 5 percent, we were supported by the Black Caucus. I want to emphasize that we were opposed at the time by the Chamber of Commerce, the South Carolina Association of Textile Manufacturers, and the other business groups.

Minorities know there is one way to really try to catch up and get a piece of this American dream. That is public schools, public education. Wherever you can give them the support and the means to really implement it, they support public education. I did not want to infer, when I talked about my Allendale school, that they were not for it. In fact, I have other reports in here, with which I will not belabor the Senate, on the tremendous improvements already made in the takeover of that particular school. We have worked year in and year out, and we still are trying our best.

One of the things that goes into the calculation is the quality of the teacher. If you go to the institutions of higher learning in this country, public and private, the education degree, in large measure, is to take care of the football team. If you have a big, old, hefty 280-pounder who is not too quick upstairs but very quick with his legs and everything else downstairs, then you put him in education. Let him get into an education major. I have discussed this with college presidents. We have been into every facet of this thing.

The one big waste is this bill. It is a tremendous waste of time and money. It should not be. Yes, I agree on the disabilities provisions in there. All of us are frustrated because we all know about the needs. We have been pointing out different needs. So we should address these needs directly instead of creating costly tests that tell us what we already know.

Mr. President, I ask unanimous consent that the documents I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
Alabama	\$4,000	B	B	B	B	B	B	12	0	\$6,918,844
Alaska	3,500	B	B		B	B	B	10	2	3,714,151
Arizona	4,800	B	B	B	B	B	B	12	0	7,551,260
Arkansas	3,200		B	B	B	B	B	10	2	5,358,006
California	44,000	B	B	B	B	B	B	12	0	33,848,095
Colorado	10,700	R	R	B	B	B	B	10	2	6,699,152
Connecticut	2,000		B		B		B	6	6	5,927,183
Delaware	3,800	B		B			B	6	6	3,593,640
Florida	22,400	B	B	B	B	B	B	12	0	15,563,774
Georgia	14,000	B	B	B	B		B	10	2	10,504,837
Hawaii	1,400	B		B			B	6	6	3,976,256
Idaho	700	B	B	B	B	B	B	12	0	4,258,161
Illinois	16,500	B		B			B	6	6	13,376,210
Indiana	19,000	B			B		B	6	6	8,156,926
Iowa	0		B				B	4	8	5,444,873
Kansas	1,100		M	R		M	R	4	8	5,396,581
Kentucky	8,100	B	R	M	B	R	M	8	4	6,267,553
Louisiana	9,000	B	B	B	B	B	B	12	0	6,852,660
Maine	3,300		B				B	4	8	4,122,412
Maryland	17,100	B	B	B	B	B	B	12	0	7,419,025
Massachusetts	20,000	R	B		M	B	R	7	5	8,117,380
Michigan	16,000		B	R		R	R	5	7	11,519,600
Minnesota	5,200	B		B			B	6	6	7,342,043
Mississippi	7,600	B	B	B	B	B	B	12	0	5,597,075
Missouri	13,400	R	M			R	M	4	8	7,670,823
Montana	282	B					B	4	8	3,818,888
Nebraska	1,650		R				R	2	10	4,451,014
Nevada	3,300	B	B	B			B	8	4	4,746,741
New Hampshire	2,500	B			B			4	8	4,141,700
New Jersey	17,000		B				B	4	8	9,443,656
New Mexico	650	B	B	B	B	B	B	12	0	4,698,762
New York	13,000		B				B	4	8	17,223,571
North Carolina	11,300	B	B	B	B	B	B	12	0	9,820,136
North Dakota	208		B		B		B	6	6	3,567,436
Ohio	12,300		B		B			4	8	12,460,605
Oklahoma	2,500	B		B			B	6	6	6,135,051
Oregon	7,000	B		B			B	6	6	5,856,458
Pennsylvania	15,000			B	R		B	5	7	12,436,365
Rhode Island	2,300	R	B			R	B	6	6	3,816,768
South Carolina	7,800	B	B	B	B	B	B	12	0	6,512,256
South Dakota	720		B	R			B	5	7	3,671,448
Tennessee	15,600	B	B	B	B	B	B	12	0	7,644,016
Texas	26,600	B	B	B	B	B	B	12	0	23,447,902
Utah	1,400	B	B	B	B	B	B	12	0	5,366,518
Vermont	460		B				B	4	8	3,537,206
Virginia	17,900	B	B	B	B		B	10	2	8,872,984
Washington	7,700	B	B		B	B		8	4	8,204,458
West Virginia	400	B	B	B	B	B	B	12	0	4,474,730
Wisconsin	2,000	R	B				B	5	7	7,389,308
Wyoming	1,700		B				B	4	8	3,475,283
Total	422,070							387	213	390,409,780

Note.—B=Tests in Reading and Math; M=Tests in Math; R=Tests in Reading.

# STATEWIDE FOCUS ON SCHOOL IMPROVEMENT PRODUCES A YEAR OF IMPROVING TEST SCORES (By Inez M. Tenenbaum)

The end of a school year is always an exciting time. We take time to review the year behind us and immediately begin to plan for the one ahead. The school year just ending has been marked by the most significant student test score improvements in the history of South Carolina's public school system. Indeed, we are well on our way to forever putting to rest the misguided perception that our students and schools cannot succeed. Clearly, they can.

South Carolinians should take pride in the progress we are making. Consider these successes from the past year:

Students made significant and in some cases dramatic improvements in the latest round of PACT testing, with gains reported across all grade levels, subjects and demographic groups.

Scores of South Carolina High School Exit Exam rose nearly three points, the largest gain in a decade.

South Carolina high school seniors raised their average SAT score by 12 points, the largest gain in the country and four times the national increase. In addition, South Carolina high school juniors improved their performance on the Preliminary SAT by 5.2 points, nearly four times the national increase of 1.4 points.

Scores of South Carolina high school seniors taking the ACT college entrance exam rose from the previously year while sophomores who took PLAN—the preliminary ACT—scored one-tenth of a point higher than the national average.

Our fifth-, eighth- and 11th-graders scored above the national average in reading, language and math on TerraNova, a nationally

standardized test of reading, language and math skills.

South Carolina eighth-graders met or exceeded the international average in the Third International Math and Science Study, which compared test scores from students in 38 nations.

An analysis by the nonprofit RAND organization of improvements in student reading and math test scores ranked South Carolina 17th among the states.

For the fifth consecutive year, the number of South Carolina first-graders scoring "ready" for school set a new record. More than 43,000 first-graders—a record 85.2 percent—met the state's readiness standard. That was a 13 percentage-point improvement from 1995, the year before the state began a three-year phase-in of full day kindergarten. The biggest improvement were by minority students and students from low-income families.

In the midst of these test score improvements, the national report card "Quality Counts 2001," published by the respected national magazine Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards. South Carolina was ranked among the top six states in the nation in both categories.

This report was especially significant, because I believe that a major reason for South Carolina's success has been our dramatic raising of academic standards. By setting the bar so high, and by creating the extremely rigorous PACT tests to measure our progress, we have challenged our students and schools—and they have responded.

I do not mean to suggest that the struggle to build a world-class school system in South Carolina has been won. Although it's true that we have schools in our state that are as

excellent as any in the nation, we also have schools that struggle to provide their students with even the most basic education.

This November, South Carolina's first school report cards will be published under the mandate of the Education Accountability Act of 1998. Many schools will have their excellence confirmed, and others will be identified as needing extensive assistance. As State Superintendent of Education, I can assure you that these schools will get that assistance.

But as we await November's report cards, let's remember the amazing accomplishments of the school year that's now ending. Our progress is real, and it is undeniable. South Carolina educators, students, parents, businesses, and communities are proving every day that focus and hard work pay off.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that an article in today's Washington Post, "From Teachers to Drill Sergeants," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 12, 2001]

FROM TEACHERS TO DRILL SERGEANTS

(By Jay Mathews)

I have watched hundreds of teachers over the last two decades and am sure of one thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan.

The next morning I would call in sick, making it clear I had an incurable, terminal illness.

So it is unbelievably presumptuous of me to write columns and give speeches on how to make schools better. I regularly remind myself, and anyone who might be listening, that when it comes to talking about education, I am just a balding, 5-foot-6-inch playback machine. The thoughts are not mine, but those of the many educators, as well as students and parents, who have patiently explained to me over the years what is going on, and why.

I am always amazed that such smart and busy people have time for me. That is especially true these last few weeks. Scores of readers have responded to the request in my May 22 column for a precise accounting of how the new state achievement tests affect teaching. I now have a much deeper appreciation of what the tests—and administrators' ill-considered reaction to them—have done to many schools.

Only about half of the teachers who wrote me said they had been forced to change their teaching, but that is because in many cases they refused to alter what was working for their students. "My philosophy has long been, continues to be, and . . . will continue to be largely the test," said Al Dieste, who teaches at-risk middle schoolers at Springfield Community Day School, a public school in Columbia, Calif. "I teach; the test be damned."

Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said "a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method."

But in many cases, teachers said, administrators made it very difficult to do the right thing.

At one Fairfax County high school, non-honors students were dropped from in-class National History Day essay writing activities so they would have more time to study for the Virginia Standards of Learning (SOL) tests, even though some non-honors students had won previous district competitions.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with the step-by-step schedule for preparing for the Texas Assessment of Academic Skills (TAAS) tests.

A third-grade teacher in Fort Worth, said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.

Raymond Larrabee was told his son's eighth-grade honors English class would not have time to read all of Charles Dickens' "David Copperfield" because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MACAS) test.

A Florida principal told a novice teacher that her wide-ranging discussions of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.

Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the SOLs. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it had all started.

The e-mails illuminated two problems that I think all sides in the testing debate would

acknowledge. First, some states may be demanding that teachers cover too much, ensuring once-over-tightly instruction. Second, many principals, moved by blind panic or cross-town rivalry, are demanding more test prep—taking practice tests, learning testing strategies, memorizing key essay words—than is necessary or useful.

Problem one is something for state school boards and superintendents to ponder. Problem two is, at least in part, something that teachers can do something about.

Okay. I know. I am the coward who lacks the fortitude to even try teaching. But I think many educators are right when they say that too many of their colleagues are obeying their principals rather than their principles.

Even pointy-headed, fire-breathing managers will back off if key employees tell them results will only come if they butt out. That takes gumption, but it is worth a try.

Gerald Gontarz, a sixth-grade science and social studies teacher in Plymouth, NH., drops raw chicken eggs from airplanes and sends up hot air balloons to involve kids in his lessons. "Much of the time I spend on this stuff will not help my students take the test," he said. But "it really turns them on, and honestly, there is no state test that measures students' motivation."

Kenneth Bernstein, a ninth-grade social studies teacher in Prince George's County, stated what should be the teacher's creed: "I will not object to testing if you will allow me to get my kids ready the best way I can, and not also mandate the specific steps of instruction, for then I cannot teach the individual child."

I sensed some teachers are having second thoughts about groveling before the testing gods. Graney, for instance, told me in a follow-up e-mail that he plans to return to his reverse approach to U.S. history.

The results are still important. A teacher should be able to raise his class's overall achievement level a significant amount from September to April or May. Some students will falter because of unhappy home lives or test anxiety or other factors beyond a teacher's control, but on average there should be progress. If there isn't, I don't think the teacher can blame the test.

Many educators will object to this. They say the tests are too narrow and their own assessments of each child should be enough. In many cases, they are right, but parents cannot stay in the classroom all year making certain of this. I don't think I will ever be comfortable without an independent measure of how my child and her school are doing, and I think the vast majority of parents feel the same way.

I think we can agree on one thing: Principals and superintendents should not force good teachers to turn themselves into drill sergeants if there are better ways to teach the material. Administrators should set the goals and let their teachers decide how to meet them, then find ways to help those teachers who do not measure up.

Most principals already do that, but since so many of them are portrayed as clumsyvillains by my e-mail correspondents, they deserve a chance to defend themselves. My e-mail address is mathews@washpost.com. How many of you administrators are telling your teachers to fill their class time with practice tests? Are you sure that is the best way to go?

Mr. WELLSTONE. This is a piece Jay Mathews wrote. I want to give some examples from this article. There is one thing he mentions that is really important:

I have watched hundreds of teachers over the last two decades and am sure of one

thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear that I had an incurable, terminal disease.

Then the article gets much more serious. Part of the insulting assumption of this legislation is that the teachers in this country don't want to be held accountable, that we now have to do the tests to show that they really are not doing their job.

There are, of course, teachers you will find who subtract from children, but many of them are saints. And I doubt that there is one Senator who condemns these teachers who could last an hour in the classrooms they condemn. If you go and visit schools, teachers are talking about other issues: What happens to children before they get to school; the whole question of kids who come to kindergarten way behind. They are talking about the lack of affordable housing, children who are coming to school hungry today in America, class size and all of the rest of it. That is what they are talking about. But our response is to go to these tests and to assume that somehow, once children are tested, everything will become better.

I want to give some examples Jay Mathews gives today, about the effect that an over-reliance on testing can have on the classroom. He writes:

Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said "a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method."

But in many cases, teachers said, administrators make it difficult to do the right thing.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with the step-by-step schedule for preparing for the Texas Assessment of Academic Skill (TAAS) tests.

A third grade teacher in Fort Worth said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.

Raymond Larrabee was told his son's eighth grade honors English class would not have the time to read all of Charles Dickens' "David Copperfield" because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MCAS) test.

A Florida principal told a novice teacher that her wide-ranging discussion of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.

Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the [Virginia standard of learning test]. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it all started.

So I just want to issue this warning, about where I am afraid we are heading: I think in the absence of the resources and with the overreliance on tests that is emerging, what we are going to have is, as one teacher put it so well to Jonathan Kozol, you are going to have great teachers living in "examination hell." A lot of the really good teachers are going to get out. In fact, they are now. Some of the really great teachers are just refusing to be drill instructors, teaching to tests, tests, tests. They are leaving. This is the opposite direction from where we should be going.

It is very much the case that the best teachers are the ones who are not going to want to be teaching to these tests. And frankly, some of the worst teachers can do it.

When I am in schools, and I have been in a school about every 2 weeks for the last 10 and a half years I ask the students, when we get into a discussion of education: What do you think makes for a good education? You are the experts. Before class size, before technology, before anything else, they say: Good teachers.

Then I say: What makes for a good teacher? I never hear students say: Well, the really good teachers are the teachers who teach to worksheets. The really good teachers are the teachers who basically have us memorizing all the time and then regurgitating that back on tests. They talk about teachers who spend time with them, teachers who fire their imagination, teachers who don't just transmit knowledge but basically empower them to figure out how to live their lives. They talk about teachers who get the students to connect personally to the books that are being discussed, to the ideas that are being discussed, to how those ideas affect their lives. That is what they talk about.

That is not the direction we are going, not with what we are bringing down from the Federal Government, top-down to school districts all across our land. Again, that is why this amendment is so important.

I thank my colleague for the amendment. I am proud to support him.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1 on Wednesday, June 13, at 9 a.m. with 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings

amendment No. 798 concurrently, with 20 minutes each prior to votes in relation to the amendments, with no second-degree amendments in order prior to the votes, and that the Santorum amendment be voted on first. Further, I ask that following disposition of the Santorum and Hollings amendments, Senator LANDRIEU be recognized to call up her amendment No. 474, with 30 minutes for debate in the usual form prior to a vote in relation to her amendment, with no second-degree amendments in order; further, following disposition of the Landrieu amendment, Senator DODD be recognized to call up his amendment No. 382 regarding 21st century afterschool programs, with 2 hours for debate prior to a vote on a motion to table the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are moving along very well. This has been a difficult day. We have a number of other amendments to which we think we can go quite rapidly. I think with luck we can finish this bill on Thursday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 519, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the previously agreed to Bingaman amendment No. 519 be modified to reflect a correction in a numerical error in the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 577, line 2, strike the double quote and period.

On page 577, between lines 2 and 3, insert the following:

#### "SEC. 4304. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.

"(a) CENTER.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the 'School Security Technology and Resource Center'.

"(b) ADMINISTRATION.—The center established under subsection (a) shall be administered by the Attorney General.

"(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The center will also conduct

and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$4,750,000 for each of the fiscal years 2002, 2003, and 2004, of which \$2,000,000 shall be for Sandia National Laboratories in each fiscal year, \$2,000,000 shall be for the National Center for Rural Law Enforcement in each fiscal year, and \$750,000 shall be for the National Law Enforcement and Corrections Technology Center Southeast in each fiscal year.

#### "SEC. 4305 LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology and Resource Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of."

#### AMENDMENT NO. 513

Mr. VOINOVICH. Mr. President, I would first like to express my appreciation to the chairman and the ranking member of the Senate's Health, Education Labor and Pensions Committee for accepting this important amendment to S. 1, the Better Education for Students and Teachers Act.

Simply put, the amendment that I have offered will help protect the ability of school counselors, social workers, psychologists and others to receive professional development and training as determined by local school districts.

Each of us in this body wants what's best for our Nation's children, and when it comes to their education, we want our schools and our educators to find ways to provide a first-class education for our children, to ensure their safety, and to help them develop their God-given talents so they may become upstanding, contributing members of our society.

Nearly everyone agrees our schools need help, but not everyone agrees on which way is best. That is why we in the Senate have tried to put together this Elementary and Secondary Education Act reauthorization bill that gives our states and localities the flexibility to do what is necessary to improve their schools.

Part of educating, protecting, and preparing our students is seeing to it that they get the help they need to succeed in the classroom. That is why I offered this amendment to make pupil services personnel eligible to be recipients of title II professional development funds.

Pupil services personnel, the men and women who are our school counselors, school psychologists, school social workers, and other school-based personnel, are essential components in our effort to guarantee that no child is left behind. These educators help ensure student achievement by securing a safe learning environment, helping to solve problems students experience that extend far beyond the schoolyard, and crafting a challenging, personalized, college-oriented curriculum so that all students have a chance to succeed.

To maximize State and local flexibility, it is important that pupil services personnel be included under title II programs. For example, if a school district wants to engage a team of teachers, principals, and pupil services personnel in a comprehensive curriculum reform planning program, Federal law should not exclude part of that team from taking part in those activities if they use title II funds. Nothing in my amendment would mandate that title II funds have to be spent on these educators, only that we not rule out their participation, which I believe would limit state and local flexibility. Further, adding pupil services personnel under title II "allowable uses" does not add any additional funds on top of those already authorized in this ESEA reauthorization legislation.

Pupil service organizations represent more than one million people who work and teach in our schools. Allowing these educators access to title II professional development opportunities could unlock innovative approaches to reduce barriers to classroom learning and integrate future planning-like professional or college preparation into classroom practice. In Ohio, it leaves options open to include an estimated 40,000 school-based educators in professional development activities. For the students and parents served by these educators, the benefits of having highly-trained, integrated pupil services staff are potentially shared by tens of thousands of additional stakeholders each year.

Achieving school reform and improving student achievement requires the support and active participation of all educators in each school. I hope my colleagues will agree that, using our limited role in educating our children, we will provide the flexibility to promote innovative, coordinated professional development opportunities that may help generate solutions to the problems that face our schools.

#### McGOVERN-DOLE INTERNATIONAL FOOD ACT

Ms. LANDRIEU. Mr. President, I rise today to speak briefly in support of the

McGovern-Dole International Food for Education and Child Nutrition Act of 2001. I am proud to join Senators HARKIN, DURBIN, and LEAHY, who were instrumental in the introduction of this bill, as well as my other colleagues who are co-sponsors. Additionally, I would like to acknowledge the efforts of two former members of this body, Senators George McGovern and Bob Dole, who worked tirelessly to initiate this program decades ago.

As many of my colleagues well know, almost 300 million children in this world go hungry on a daily basis. Can you imagine that—300 million children? The number is staggering—almost five percent of the world's population; more than the population of our entire country. Think of it—if everyone, every person that we know, every man, woman and child in the United States, did not get enough to eat. If that were the case, I would imagine that we in this chamber would not hesitate to take action and remedy the situation. That is what this bill attempts to do; it is merely a first step, an important step for these hundreds of millions of children who are going hungry around the world.

We must ensure that every child, no matter where they live, no matter what their income level, receives at least one nutritious meal per day. One meal per day, for every child in the world. As little as that may seem to those of us here, it could mean the difference between life and death for many of these children. I make sure that my son and daughter get three nutritious meals a day; I am sure that all of my colleagues do the same for their children. It is not too much to ask that we provide just one meal for these hungry children all over the world.

But this is not just about meals; as noble a goal as that is, this is also about education. Of these 300 million children, almost half are not in school. What we are trying to do is encourage these children to attend school by helping their schools feed them when they are there. As George McGovern himself said, "The school lunch brings children to school; education lowers the birth-rate, increases personal income, and provides a market for surplus farm commodities." So it not just a meal we are helping to provide for these children; it is an education.

Finally, for some who may say this is a handout, it is not. This program is designed to help developing countries set up their own school lunch programs, so that one day they can take full responsibility for feeding their students. In other words, this is not a handout, but a hand up. There is an old saying that if you give a man a fish, he eats for a day; if you teach him to fish, he eats for a lifetime. We are trying to teach these countries how to fish, by providing them the means to do so. I hope that my colleagues will come together in support of this critical legislation, and we in Congress can approve this bill quickly and send it to the President for his signature.

#### NATIONAL AIRBORNE DAY

Mr. DOMENICI. Mr. President, I rise in support of Senate Resolution 16 designating August 16, 2001, as National Airborne Day. It is only too appropriate that Senator THURMOND lead the charge for designating one day annually on which we recognize the contributions of our airborne divisions in the military.

The greatest amphibious invasion in military history was at Normandy. On June 6, 1944, under the leadership of General Eisenhower, an invasion force of over 2.8 million military members, including 1,627,000 Americans gathered in Southern England. These forty-five divisions included Americans, Brits, Canadians, French and Poles fighting alongside one another.

Among those forty-five divisions were 13,000 paratroopers from the 82nd and 101st Airborne Divisions. These paratroopers and glider troops began their assault at 1:00 a.m. on June 6. They were spread out over 50 miles between the Cotentin Peninsula and the Orne River. Met with ferocious and lethal German resistance, by the end of the day the 101st had suffered 1,240 casualties, and the 82nd lost 1,259 men. Then 41-year-old STROM THURMOND survived and went on to win five battle stars.

We suffered heavy casualties in those first hours of fighting on the coasts of Northern France. U.S. casualties alone totaled 6,603 men. However, D Day marked the first step in our push toward victory in Europe. Not only does D Day mark the beginning of the end of the tyrannical forces unleashed on the Western European continent in the 1930s, it represents the beginning of many decades of struggle to reconstruct democratic and free Nations from the rubble of World War II.

This week we celebrate the 57th Anniversary of D-Day. I stand to recognize the valor of that greatest generation who persevered to protect our freedom. Undeniably, the airborne forces played a vital role in achieving victory. The Airborne divisions that fought on D-Day are still represented in today's Army, with the 82nd in Fort Bragg, NC, and the 101st in Fort Campbell, KY.

In the last sixty years, our airborne forces have performed in important military and peace-keeping operations in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia. On August 16, 2001, the 61st anniversary of the first official parachute jump by the Parachute Test Platoon, we will recognize the role of part and current patriots in our airborne forces.

I thank Senator THURMOND for his unyielding courage as a paratrooper and his vision as a leader. I strongly support this resolution.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes

legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a horrific crime that occurred February 19, 1999 in Sylacauga, AL. Billy Jack Gaither, 39, was abducted and brutally murdered in a remote area. Two men, who later claimed to be angry over an alleged sexual advance by Gaither, went to a secluded boat ramp to find him. They beat Gaither and threw him in the trunk of his own car. Gaither was then taken to the banks of Peckerwood Creek, where many area churches used to hold baptisms. The two men then beat the 39-year-old man to death with an ax handle, and later burned his body on a pyre of old tires.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 11, 2001, the Federal debt stood at \$5,680,526,114,067.39, five trillion, six hundred eighty billion, five hundred twenty-six million, one hundred fourteen thousand, sixty-seven dollars and thirty-nine cents.

Five years ago, June 11, 1996, the Federal debt stood at \$5,136,928,000,000, five trillion, one hundred thirty-six billion, nine hundred twenty-eight million.

Ten years ago, June 11, 1991, the Federal debt stood at \$3,489,108,000,000, three trillion, four hundred eighty-nine billion, one hundred eight million.

Fifteen years ago, June 11, 1986, the Federal debt stood at \$2,045,760,000,000, two trillion, forty-five billion, seven hundred sixty million.

Twenty-five years ago, June 11, 1976, the Federal debt stood at \$611,628,000,000, six hundred eleven billion, six hundred twenty-eight million, which reflects a debt increase of more than \$5 trillion, \$5,068,898,114,067.39, five trillion, sixty-eight billion, eight hundred ninety-eight million, one hundred fourteen thousand, sixty-seven dollars and thirty-nine cents during the past 25 years.

#### ADDITIONAL STATEMENTS

##### A TRIBUTE TO WELLMONT BRISTOL REGIONAL MEDICAL CENTER

• Mr. WARNER. Mr. President, it is with great pleasure that I rise today to pay tribute to Wellmont Bristol Regional Medical Center, in Bristol, VA, for being named one of the Top 100 In-

tensive Care Units (ICUs) in the United States. This award is based on a study conducted by Solucient Leadership Institute, the Nation's largest healthcare clearinghouse.

In deciding which hospitals received this outstanding award, Solucient compared intensive care units throughout the country on four measures: death rates; complications; how long patients stayed in units; and cost of care. By being named one of the Nation's Top 100 ICUs, Bristol Regional Medical Center has proven that it can be considered among the best in its field in providing top quality care in its ICU, with shorter stays, lower costs, and fewer deaths and complications. We can truly realize how fortunate we are in this region to have such a wonderful hospital providing top-notch care for Virginians in the Commonwealth.

To the doctors, nurses, administrators, and all the other employees at the Medical Center, I want to extend the highest commendation and congratulations for receiving this award, and I salute you on the floor of the U.S. Senate. I commend you all for your efforts and for providing the highest quality of care.●

##### TRIBUTE TO DR. KENNETH MORTIMER, UNIVERSITY OF HAWAII PRESIDENT

• Mr. INOUE. Mr. President, I rise to pay tribute to Kenneth P. Mortimer, the 11th President of the University of Hawaii. He served Hawaii's premier institution of higher learning for 8 years with integrity and distinction.

Dr. Mortimer has led the University of Hawaii forward during one of the longest and most severe economic downturns in our State's history. With massive cutbacks to the University's budget, President Mortimer instituted difficult, oftentimes painful cost-saving measures, to allow the University to provide a quality education for all students with a renewed focus on its core mission.

In addition, during this difficult economic period, President Mortimer launched an ambitious 4-year \$100 million capital campaign to raise private funds for endowments, improvements, and scholarships. The campaign concluded ahead of schedule on May 31, 2001, having exceeded their goal by \$16 million. The campaign raised needed funds during a critical period in the school's history. It also established a strong foundation for continued large giving.

But, most importantly I believe the capital campaign demonstrated to one and all—students, alumni, community—that the University of Hawaii is good enough, worthy enough, to request and secure such large giving. I was proud to serve as an honorary co-chair of the campaign. It took leadership and guts to launch such a campaign. It took perseverance and commitment to ensure its success. President Mortimer can be proud of this legacy he leaves behind.

There is another very important mark Dr. Mortimer will leave behind for the university. It is carved into Hawaii's most sacred legal document—our State Constitution. No president had ever tried to do what President Mortimer set out to do, namely to secure constitutional autonomy for the University of Hawaii, giving the institution a greater say in its own affairs, fiscal, legal and otherwise. First, landmark legislation was passed by the Hawaii State Legislature to allow the issue of constitutional autonomy to be placed on the Hawaii ballot in November of 2000. Second, Dr. Mortimer mounted an aggressive "vote yes" campaign which received a resounding approval of the people. Another milestone achieved, another foundation laid to help assure the University's future success.

There are many more accomplishments, too many to name, that can be attributed to Dr. Mortimer. He led my alma mater forward during a most difficult time in our State's history. He did so with a quiet dignity and a steadfast resolve. He listened and then acted.

The University of Hawaii is stronger as a direct result of his leadership. He never lost sight of what I have known all along—the University of Hawaii is a great institution of higher learning, not just a good institution, but a great one. Dr. Mortimer believed it in his heart and represented us as such to all he came in contact with. He gave of himself—with his time, skill and aloha—and the University is richer and wiser for it.

On behalf of the people of Hawaii, I would like to express my personal appreciation to Ken and Lorie for their years of service and commitment to academic excellence. My heartfelt wishes are with them as they embark on a new journey together.●

##### TRIBUTE TO JAMES P. LEDDY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to James P. Leddy, an outstanding Vermonter and humanitarian. In recognition of his retirement as Executive Director of The Howard Center for Human Services in Burlington, VT, it is important to reflect on how much one person can accomplish in serving others.

From the beginning of his career, Jim was drawn to serving the most needy, most isolated, and often the most misunderstood and underserved people in our society. His work took him to individuals who were incarcerated, living with illness or disability, and to those recovering from addiction.

Jim began his 30-year history of compassionate service to Vermonters as a direct-service provider and quickly rose to leadership positions. His vision for improving the lives of individuals with disabilities put him at the helm of The Howard Center for Human Services. Under his direction "community inclusion" and "self-determination"

became the guiding principles for serving individuals and their families. Those who had historically been sheltered from society began to live, work and recreate in their communities.

Not only has The Howard Center for Human Services been recognized for developing new and innovative programs, but Vermont also gained recognition for showing the way to other States in the country. Jim is to be commended for the part he played in national movement to provide community-based services to people with disabilities.

Under Jim's leadership, The Howard Center grew from a budget of \$1.6 million with a staff of 55 to a budget of \$30 million and a staff of over 550 individuals. While Jim was growing a mental health service, he also advocated for relationships and wrap-around services with other providers. In this, as in every other capacity, his mark has been felt far beyond the boundaries of Chittenden County, VT.

Vermont has much to be grateful for, in view of Jim's steadfast commitment to improving the quality of life in our State. He was a founding member of programs such as the Champlain Valley Crime Stoppers and Dismas House, a residential program for ex-offenders. He has served on boards, such as the Mayor's Council on Human Services for the City of Burlington, the Governor's Council on Alcohol and Drug Abuse Problems, and the National Association of State Alcohol and Drug Abuse Directors, to name a few. Jim is a true public servant, and in 1999, he became a member of the Vermont State Legislature and brought his knowledge, experience and deep commitment to Vermont to all its citizens. It is reassuring to know that his legacy will lead The Howard Center for Human Services and the greater community of Vermont itself for years to come.

Jim's unwavering commitment toward improving the status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to him. His deep commitment to the citizens of the Green Mountain State has endeared him to us. He has our sincerest good wishes for the future.●

#### HONORING ANNE M. GLATT

● Mr. TORRICELLI. Mr. President, I rise today to recognize Anne M. Glatt's years of devotion and commitment to the Highland Park Conservative Temple and Center in Highland Park, NJ. Mrs. Glatt will soon receive the prestigious "Chaver Award," the Temple's highest award for exemplary service to the Jewish community.

Devoted to her three daughters and to the Jewish faith, Mrs. Glatt decided on the Highland Park Conservative Temple and Center to further her children's knowledge of their faith and culture. However, her involvement with the Temple did not end there. Mrs. Glatt offered her services as a bookkeeper for the Temple, and for the past thirty-seven years it has been an expe-

rience of great benefit to the Temple. She has shared her wisdom, generosity and love with the 900 members of the congregation, considering them all as a part of her extended family. I have no doubt that as the community grows, Mrs. Glatt will be there to tend to the needs of future generations.

Therefore, I join with the Highland Park Conservative Temple and Center today in recognizing Anne M. Glatt, saluting her service to the community, her countless acts of compassion, and her constant attention to the needs of those around her. May her spirit of service be a model for all of us to admire and emulate.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO PROPERTY OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2001.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament

agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond June 12, 2001.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 11, 2001.

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 11, 2001.

#### REPORT ON THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

In accordance with the provisions of section 504(h) of Public Law 98-164, as amended (11 U.S.C. 4413(i)), I transmit herewith the Annual Report of the National Endowment for Democracy for fiscal year 2000.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 11, 2001.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with



accompanying papers, reports, and documents, which were referred as indicated:

EC-2292. A communication from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "PRIME Act Grants" (RIN3245-AE52) received on June 8, 2001; to the Committee on Small Business.

EC-2293. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling—Determination of Interest Rates, Quarter Beginning July 1, 2001" (Rev. Rul. 2001-32) received on June 11, 2001; to the Committee on Finance.

EC-2294. A communication from the Acting Administrator of the Foreign Agriculture Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2001 Tariff-Rate Quota Year" (7 CFR Part 6) received on June 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2295. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weeds; Permits and Interstate Movement" (Doc. No. 98-091-2) received on June 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2296. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the status of the United States Parole Commission; to the Committee on the Judiciary.

EC-2297. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Tax Division, received on June 8, 2001; to the Committee on the Judiciary.

EC-2298. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director of the National Institute of Justice, received on June 8, 2001; to the Committee on the Judiciary.

EC-2299. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Orthopedic Devices: Classification and Reclassification of Pedicle Screw Spinal Systems; Technical Amendment" (Doc. No. 95N-0176) received on June 8, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-2300. A communication from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Federal Sector Report on EEO Complaints and Appeals for Fiscal Year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2301. A communication from the Acting Commissioner for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled "The Condition of Education" for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-2302. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, transmitting, pursuant to law, a report concerning the sin-

gle-function cost comparison of the Communications activity at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

EC-2303. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of Defense, Personnel and Readiness, received on June 8, 2001; to the Committee on Armed Services.

EC-2304. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Director, Operational Test and Evaluation, received on June 8, 2001; to the Committee on Armed Services.

EC-2305. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Air Force, received on June 8, 2001; to the Committee on Armed Services.

EC-2306. A communication from the Director for Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Army, received on June 8, 2001; to the Committee on Armed Services.

EC-2307. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the proposed obligation of funds provided for the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-2308. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC-2309. A communication from the General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Exception Payment Standards to Offset Increase in Utility Costs in the Housing Choice Voucher Program" (RIN2577-AC29) received on June 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2310. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Transit Administration, received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2311. A communication from the Attorney-Advisor of the Office of General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Resolution Funding Corporation Operations" (RIN1505-AA79) received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2312. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Call for Large Position Reports" received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2313. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report concerning the Authorization of Appropriations for Fiscal Years 2002 and 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2314. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency,

transmitting, pursuant to law, the report of a rule entitled "Community Bank-Focused Regulation Review: Lending Limits Pilot Program" (12 CFR Part 32) received on June 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2315. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To authorize appropriations for the United States contribution to the Heavily Indebted Poor Countries Trust Fund administered by the International Bank for Reconstruction and Development"; to the Committee on Foreign Relations.

EC-2316. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To authorize the United States participation in and appropriations for the United States contribution to the fifth replenishment of the resources of the International Fund for Agricultural Development"; to the Committee on Foreign Relations.

EC-2317. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To authorize the United States participation in and appropriations for the United States contribution to the seventh replenishment of the resources of the Asian Development Fund"; to the Committee on Foreign Relations.

EC-2318. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended: Aliens Ineligible to Transit Without Visas (TWOV)—Russia" (22 CFR Part 41) received on June 8, 2001; to the Committee on Foreign Relations.

EC-2319. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the text and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-2320. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" ((RIN2127-A117)(2000-0001)) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2321. A communication from the Trail Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 USC 30141" ((RIN2127-A111)(2000-0001)) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2322. A communication from the Attorney for the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Adoption of Industry Standards for Liquefied Natural Gas Facilities" (RIN2137-AD11) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2323. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (opens shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska)" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2324. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2000 Summer Flounder, Scup and Black Sea Bass Commercial Quotas" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2325. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2326. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of directed fishing for Pacific Cod by vessels catching Pacific Cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA)" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2327. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2328. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of directed fishing for species that comprise the deep-water species by vessels using trawl gear in the Gulf of Alaska" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2329. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2330. A communication from the Acting General Counsel of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Northwest Atlantic Fisheries Organization for 2000; to the Committee on Commerce, Science, and Transportation.

EC-2331. A communication from the Senior Management Analyst, Division of Policy and Directives Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C" (RIN1018-AD68) received on June 7, 2001; to the Committee on Energy and Natural Resources.

EC-2332. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled

"Montana Regulatory Program" (MT-020-FOR) received on June 7, 2001; to the Committee on Energy and Natural Resources.

EC-2333. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of a Program Update 2000 for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2334. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the financial and social impacts of the Compacts of Free Association on United States insular areas and the State of Hawaii; to the Committee on Energy and Natural Resources.

EC-2335. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Conversion of the Conditional Approval of the NO<sub>x</sub> RACT Regulation to a Full Approval and Approval of NO<sub>x</sub> RACT Determinations for Three Sources" (FRL6996-5) received on June 8, 2001; to the Committee on Environment and Public Works.

EC-2336. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina; Final Approval of State Underground Storage Tank Program" (FRL6976-4) received on June 8, 2001; to the Committee on Environment and Public Works.

EC-2337. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for North Carolina" (FRL6976-5) received on June 8, 2001; to the Committee on Environment and Public Works.

EC-2338. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Application of 40 CFR 93.104(e) to Houston Attainment SIP"; to the Committee on Environment and Public Works.

EC-2339. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Implementation of Section 303(d) Until the New TMDL Rule Becomes Effective"; to the Committee on Environment and Public Works.

EC-2340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Application of 40 CFR 93.104(e) to Houston Attainment SIP"; to the Committee on Environment and Public Works.

EC-2341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Streamlined Water-Effect Ratio Procedure for Discharges of Copper"; to the Committee on Environment and Public Works.

EC-2342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program"; to the Committee on Environment and Public Works.

EC-2343. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traf-

fic Control Devices; The Manual on Uniform Traffic Control Devices for Streets and Highways; Standards for Center Line and Edge Markings" (RIN2125-AD68) received on June 7, 2001; to the Committee on Environment and Public Works.

EC-2344. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population for 16 Freshwater Mussels and One Freshwater Snail, Alabama" (RIN1018-AE00) received on June 8, 2001; to the Committee on Environment and Public Works.

EC-2345. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Public Use of Water Resources Development Projects Administered by the Chief of Engineers" (36 CFR Part 327) received on June 8, 2001; to the Committee on Environment and Public Works.

EC-2346. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Navigation Locks and Approach Channels, Columbia and Snake Rivers, Oregon and Washington" (33 CFR Part 207.718) received on June 8, 2001; to the Committee on Environment and Public Works.

EC-2347. A communication from the Acting Director of the Office of Personnel Management, Employment Service; Workforce Restructuring Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Career Transition Assistance for Surplus and Displaced Employees" (RIN3206-AJ32) received on June 8, 2001; to the Committee on Governmental Affairs.

EC-2348. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2349. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2350. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2351. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on June 8, 2001; to the Committee on Governmental Affairs.

EC-2352. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2353. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2354. A communication from the Acting Chairman of the Securities and Exchange

Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2355. A communication from the Attorney General of the United States, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2356. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report relative to the Federal Equal Opportunity Recruitment Program for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-2357. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2358. A communication from the Chief Operating Officer/President of the Resolution Funding Corporation, transmitting, pursuant to law, a report relative to the System of Internal Controls and the Audited Financial Statements for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-2359. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2360. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2361. A communication from the Acting Administrator of the General Service Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2362. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2363. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2364. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General and the Treasury Inspector General for Tax Administration for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2365. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2366. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

were referred or ordered to lie on the table as indicated:

POM-94. A resolution adopted by the City Commission of Fort Lauderdale, Florida relative to beach erosion control projects; to the Committee on Environment and Public Works

POM-95. A resolution adopted by the Board of County Commissioners of Broward County, Florida relative to beach erosion control projects; to the Committee on Environment and Public Works.

POM-96. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Unifies Voting Rights Act"; to the Committee on Rules and Administration.

POM-97. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Rapid Response"; to the Committee on the Judiciary.

POM-98. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Education 3000"; to the Committee on Health, Education, Labor and Pensions.

POM-99. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Health America"; to the Committee on Health, Education, Labor, and Pensions.

POM-100. A petition of proposed legislation presented by the Council on Administrative Rights entitled "American Equality"; to the Committee on the Judiciary.

POM-101. A resolution adopted by the legislature of the State of Minnesota relative to special education costs; to the Committee on Appropriations.

#### RESOLUTION No. 2

Whereas, in 1975 the Congress passed Public Law Number 94-142, the Individuals with Disabilities Education Act, and provided a national framework for providing free, appropriate public education to all students regardless of the level or severity of disability; and

Whereas, Congress in its initial passage of the Individuals with Disabilities Education Act declared its intent to fund 40 percent of special education costs; and

Whereas, the federal government's share of funding for special education costs in Minnesota has never exceeded 15 percent of total special education costs; and

Whereas, since the passage of the Individuals with Disabilities Education Act, the states have been primarily responsible for providing funding for special education services; and

Whereas, special education services are being provided to all eligible children in the state of Minnesota; and

Whereas, many states, including Minnesota, must provide substantial state funding to fill the gaps left by Congress's unfunded promise; and

Whereas, the recent increases in federal funds for schools, including the increases in special education funding, have come with substantial mandates and limitations on the use of funds; and

Whereas, Congress is now currently debating the most effective ways to improve education among the states; and

Whereas, the federal government is now estimating a surplus of \$5,600,000,000,000 over the next ten years; Now, therefore, be it

*Resolved by the Legislature of the State of Minnesota*, That Congress should speedily adhere to the goal set forth in the Individuals with Disabilities Education Act and appropriate to the states significant, genuine assistance to meet the needs of students with disabilities and to relieve schools from the necessity of cross-subsidizing special education revenue with general education revenue. Be it further

*Resolved*, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and Secretary of the Senate, the Speaker and Clerk of the House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM-102. A resolution adopted by the Legislature of the State of Minnesota relative to funding for the improvement and rehabilitation of waterways; to the Committee on Environment and Public Works.

#### RESOLUTION No. 4

Whereas, waterway transportation is the most efficient means of transporting bulk commodities, transports more tons per gallon of fuel than either rail or truck while causing fewer accidents, less noise pollution, and fewer fatalities and traffic delays, provides a positive quality of life to the citizens of Minnesota, and is the most environmentally sound mode of transportation available; and

Whereas, because of its geographic location, Minnesota is disadvantaged by the distance commodities must travel when transported between Minnesota and domestic and international markets; and

Whereas, farm products, petroleum, coal, aggregates, fertilizer, salt, iron ore, metal products, and other bulk commodities needed by agriculture, industry, and the public sector are essential components of commerce and vital to the continued health of our national, local, and state economies; and

Whereas, the inland waterway lock and dam system provides recreational and ecotourism opportunities to Minnesota, a reliable water source of 25 billion gallons per year for residential and industrial use in the Twin Cities area, and a cooling source for power plants which provide over 4,800 Minnesota jobs; and

Whereas, our transportation infrastructure enables agricultural products and other exported commodities to compete successfully in international markets and leads toward a favorable balance of trade for our national economy; and

Whereas, our waterway transportation infrastructure shares the public waters with the natural environment; and

Whereas, the natural environment provides public benefits such as recreation, tourism, domestic and industrial water supply, and scientific and educational opportunities which are also important elements to Minnesota's economy; and

Whereas, the Upper Mississippi River is a natural resource of statewide, regional, national, and international importance due to its status as one of the largest floodplain areas in the world, its importance as a migratory corridor for 40 percent of all North American Waterfowl and the sanctuary it provides to more than 200 species of threatened, endangered, or rare plants and animals; and

Whereas, the Great Lakes Seaway serves Minnesota by moving its bulk products to domestic and foreign destinations, amounting to over 65 million tons annually, including 43 million tons of Minnesota iron ore to steel mills in Michigan, Indiana, Ohio, and Pennsylvania; and

Whereas, although dredging and maintenance of the seaway system is financed by the users, financing of the new Sault Ste. Marie Lock (owned and operated by United States Army Corps of Engineers) will be shared by the federal government and the eight seaway states on a prorated tonnage basis, requiring an estimated \$18 million from the state to be paid over a 50-year period; and

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

Whereas, the inland waterway system moves 17 million tons of bulk commodities annually between Minnesota and the eastern seaboard and Gulf states, including approximately 10 million tons of agricultural products exported through gulf ports; and

Whereas, dredging and maintenance costs of the inland waterway are paid out of federal funds, and financing of capital improvements to the inland waterway system is 50 percent from federal funds and 50 percent from the Inland Waterways Trust Fund, funded by a 20 cent per gallon fuel tax paid by waterway shippers; and

Whereas, the river industry has been taxed on fuel since 1980, and since the Inland Waterways Trust Fund was instituted in 1986, the Upper Mississippi River basin has contributed 40 percent of the funds and received only 15 percent return for capital improvements, making the Upper Midwest a tax donor region to the Ohio River valley and others; and

Whereas, the Port Development Assistance Program is the vehicle to rehabilitate Minnesota's public ports on the Mississippi River and Lake Superior; and

Whereas, this program updates and improves the operation and efficiency of the ports to keep them viable and competitive; and

Whereas, the 1996, 1998, and 2000 Minnesota legislatures appropriated funds for this program, and the 2001 legislature will be requested to appropriate an additional \$3 million to this program; Now, therefore, be it

*Resolved that the Minnesota Legislature, Supports Minnesota's pro rata participation in financing new construction at the Sault Ste. Marie Lock, Be it further*

*Resolved, That the Legislature formally recognizes the Upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits. Be it further*

*Resolved, That the Legislature recognizes the critical habitat restoration and rehabilitation needs on the Upper Mississippi River. Be it further*

*Resolved, That the Legislature recognizes the importance or inland waterway transportation to Minnesota agriculture and to the economy of the state, the region, and the nation and urges Congress to authorize funding to improve transportation efficiency and restore the ecological values of the Upper Mississippi River System. Be it further*

*Resolved, That the Legislature supports the continued funding of the Port Development Assistance Program in recognition of the essential and fundamental contribution the Great Lakes and inland waterway transportation systems make to Minnesota's economy and to sustainable environmental programs. Be it further*

*Resolved, That the Secretary of the State of Minnesota is directed to prepared copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Commerce, Science, and Transportation, the chair of the House Committee on Transportation and Infrastructure, and Minnesota's Senators and Representatives in Congress.*

POM-103. A resolution adopted by the Legislature of the State of Minnesota relative to the Railroad Unemployment Insurance Act; to the Committee on Health, Education, Labor, and Pensions.

#### RESOLUTION NO. 5

Whereas, numerous railroad employees have served their country honorably and well in various branches of the armed forces for periods in excess of 20 years; and

Whereas, these military veterans receive military retirement pay as partial compensation for their long military service; and

Whereas, if these veterans work for non-military employers they can become eligible for state unemployment benefits in case of layoff and for workers' compensation in case of injury; and

Whereas, the Railroad Unemployment Insurance Act (United States Code, title 45, section 354(a-1)(ii)) prohibits payment of railroad unemployment benefits or railroad sickness benefits to otherwise eligible railroad employees who are receiving military retirement pay for 20 years or more of military service; Now, therefore, be it

*Resolved, by the Legislature of the State of Minnesota, That it petitions the United States Congress to promptly amend the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and sickness benefits if they otherwise meet the qualifications of these benefit programs. Be it further*

*Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.*

POM-104. A assembly resolution adopted by the Legislature of the State of New Jersey relative to enacting the "Great Falls Historic District Study Act of 2001"; to the Committee on Energy and Natural Resources.

#### RESOLUTION

Whereas, Legislation entitled the "Great Falls Historic District Study Act of 2001" has been introduced, respectfully, in the United States Senate as S. 386 and in the United States House of Representatives as H.R. 146; and

Whereas, The "Great Falls Historic District Study Act of 2001," if enacted into law, would authorize the Secretary of the United States Department of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the City of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; and

Whereas, Congressional findings proposed in the Senate legislation (S. 386) note that the Great Falls Historic District is an area of historical significance as an early site of planned industrial development, and it has remained largely intact through architecturally significant structures; that the district is listed on the National Register of Historic Places and has been designated a National Historic Landmark; that the district is situated within a one-half hour's drive from New York City and a two hour's drive from Philadelphia, Hartford, New Haven, and Wilmington; that the district was developed by the Society of Useful Manufacturers, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and that the district has been the subject of a number of studies that have shown that it possesses a combination of historic significance and natural beauty worthy of a uniquely situated for preservation and redevelopment; and

Whereas, The Great Falls Historic District was established as a historic district under federal law pursuant to section 510 of the "Omnibus Parks and Public Lands Management Act of 1996" (Pub. L. 104-333; 16 U.S.C. s. 461 note); and

Whereas, The citizens of New Jersey have long demonstrated a keen interest in and strong commitment to supporting the efforts of federal, State, local, and private entities to preserve and interpret the history and culture of the people that form this great Nation, especially as manifested in this great State; now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. The Congress of the United States is respectfully memorialized to enact into law as soon as possible the "Great Falls Historic District Study Act of 2001" (S. 386/H.R. 146).

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate, the majority and minority leaders of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the United States Department of the Interior, the Commissioner of the New Jersey Department of Environmental Protection, the Secretary of the New Jersey Department of State, and the Chairman and the Executive Director of the New Jersey Historic Trust.

#### STATEMENT

This resolution would respectfully memorialize the Congress of the United States to enact into law as soon as possible the "Great Falls Historic District Study Act of 2001" (S. 386/H.R. 146).

The federal legislation, if enacted into law, would authorize the Secretary of the United States Department of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the City of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes.

As noted in the federal legislation (S. 386), the Great Falls Historic District is an area of historical significance as an early site of planned industrial development, and it has remained largely intact through architecturally significant structures. The district is listed on the National Register of Historic Places and has been designated a National Historic Landmark, and is situated within a one-half hour's drive from New York City and a two hour's drive from Philadelphia, Hartford, New Haven, and Wilmington. The district was developed by the Society of Useful Manufacturers, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton. The Great Falls Historic District has been the subject of a number of studies that have shown that it possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

The Great Falls Historic District was established as a historic district under federal law pursuant to the "Omnibus Parks and Public Lands Management Act of 1996."

POM-105. A assembly resolution adopted by the Legislature of the State of New Jersey relative to the repeal of the federal death tax; to the Committee on Finance.

#### RESOLUTION

An Assembly Resolution memorializing the Congress of the United States to enact the repeal of the federal death tax.

Whereas, Women and minorities are very often owners of small and medium-sized businesses, and the federal estate tax, or the death tax, prevents their children from reaping the rewards of a lifetime of trying to make a better life; and

Whereas, Farmers often face losing their farms because the federal government heavily taxes the estates of people who invested

most of their earnings back into their farms and had only a small amount of liquid savings; and

Whereas, Employees suffer when they lose their jobs because many small and medium-sized businesses are liquidated to pay death taxes and because many high capital costs depress the number of new businesses that could offer them a job; and

Whereas, If the estate tax had been repealed in 1996, over the next nine years the United States economy would have averaged as much as \$11 billion per year in extra output, and an average of 145,000 additional new jobs would have been created; and

Whereas, Having during 2000 passed the United States House of Representatives by a vote of 279-36, and having passed the United States Senate by a vote of 59-39, elimination of the death tax has wide bipartisan support; now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey*

1. The General Assembly of the State of New Jersey memorializes the Congress of the United States to enact legislation, currently pending in Congress, which eliminates the federal estate tax into law.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from the State of New Jersey.

#### STATEMENT

This resolution memorializes Congress to enact the repeal of the federal estate tax or "death tax."

POM-106. A resolution adopted by the Legislature of the State of Missouri relative to the St. Joseph community; to the Committee on Agriculture, Nutrition, and Forestry.

#### RESOLUTION

Whereas, Agramarke Quality Grains, Inc., a Missouri cooperative association, will provide economic development for the St. Joseph area; and

Whereas, the United States Department of Agriculture emphasizes the importance of guiding agriculture toward value-added opportunities; and

Whereas, agricultural producers will own 100% of the facility, provide over 110 jobs in the area, and realize between three and five millions dollars per year in profits and premiums; and

Whereas, the facility purchase price is far below the price of new construction and will provide a new purpose for the Quaker Oats facility which has been in existence since 1926; and

Whereas, the United States Department of Agriculture provides many beneficial programs which will be crucial to the success of the projects; and

Whereas, without the assistance of the United States Department of Agriculture programs, this young company may never develop; and

Whereas, the United States Department of Agriculture maintains a community population requirement of 50,000 for use of rural development economic incentive programs; and

Whereas, the city of St. Joseph remains not far above the threshold with a population of approximately 75,000; Now therefore, be it

*Resolved*, that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate

concurring therein, hereby urge the United States Department of Agriculture to grant a waiver for Agramarke Quality Grains, Inc., for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; and be it further

*Resolved*, that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Ann M. Veneman of the United States Department of Agriculture and each member of the Missouri congressional delegation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 1013. A bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

By Mr. BUNNING (for himself and Mr. HARKIN):

S. 1014. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN):

S. 1015. A bill to require the Secretary of Transportation to issue regulations to address safety concerns and to minimize delays for motorists at railroad grade crossings; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. MCCAIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 1016. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. LUGAR, Mr. ROBERTS, Mr. BAUCUS, Mr. LEVIN, Mrs. BOXER, Mr. JEFFORDS, Mr. KENNEDY, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1017. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Ms. CANTWELL):

S. 1018. A bill to provide market loss assistance for apple producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 1019. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. BINGAMAN, Mrs. MURRAY,

Mr. FEINGOLD, Mr. KOHL, and Mr. LEAHY):

S. 1020. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. CRAIG, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. REED, and Mr. ROBERTS):

S. 1021. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 1022. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1023. A bill to modify the land conveyance authority with respect to the Naval Computer and Telecommunications Station, Cutler, Maine; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. EDWARDS, Mrs. MURRAY, and Mr. CLELAND):

S. Res. 109. A resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 37

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 281

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security

Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 375

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 375, a bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

S. 434

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 434, a bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands.

S. 500

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 613

At the request of Mr. FITZGERALD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 613, a bill to amend the Internal Revenue Code of 1986 to enhance the

use of the small ethanol producer credit.

S. 638

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 783

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 783, a bill to enhance the rights of victims in the criminal justice system, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 862

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 880

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 880, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 887

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 984

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 984, a bill to improve the Veterans Beneficiary Travel Program of the Department of Veterans Affairs.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 991

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 991, a bill to authorize the President to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 992

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.



S. 999

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 461

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 461.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 461, supra.

AMENDMENT NO. 518

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 518.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 518, supra.

At the request of Mr. BREAUX, his name was added as a cosponsor of amendment No. 518, supra.

AMENDMENT NO. 630

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 630.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself and Mr. HARKIN):

S. 1014. A bill to amend the Social Security Act to enhance privacy protec-

tions for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to re-introduce legislation that is designed to protect the privacy of all Americans from identity theft caused by theft or abuse of an individual's Social Security number, SSN.

Identity theft is the fastest growing financial crime in the Nation, affecting an estimated 500,000 to 700,000 people annually. Allegations of fraudulent Social Security number use for identity theft increased from 62,000 in 1999 to over 90,000 in 2000—this is a 50 percent increase in just one year.

It's no wonder why, in Wall Street Journal poll last year, respondents ranked privacy as their number one concern in the 21st century, ahead of wars, terrorism, and environmental disasters.

All too often, the first clue someone has that their identity has been stolen comes when retail stores, banks, or credit card companies send letters wanting payment on bad checks or overdue bills that the individual hadn't written or knew nothing about.

More than 75 percent of the time identity theft cases that take place are "true name" fraud. That is when someone uses your social security number to open new accounts in your name. The common criminal can apply for credit cards, buy a car, obtain personal, business, auto, or real estate loans, do just about anything in your name and you may not even know about it for months or even years. Across the country there are people who can tell you about losing their life savings or having their credit history damaged, simply because someone had obtained their Social Security number and fraudulently assumed their identity.

This bill prohibits the sale of Social Security numbers by the private sector, Federal, State and local government agencies. This bill strengthens existing criminal penalties for enforcement of Social Security number violations to include those by government employees. It amends the Fair Credit Reporting Act to include Social Security number as part of the information protected under the law, enhances law enforcement authority of the Office of Inspector General, and allows Federal courts to order defendants to make restitution to the Social Security trust funds.

This bill would also prohibit the display of Social Security numbers on drivers licenses, motor vehicles registration, and other related identification records, like the official Senate ID Card.

This new legislation reflects a small number of fair and appropriate modifications, including the following: Since the Federal Trade Commission does not have jurisdiction over financial institutions, our bill would now authorize the U.S. Attorney General to

issue regulations restricting the sale and purchase of Social Security numbers in the private sector; similar to our provisions affecting the public sector, we make explicit our intent that the prohibition of sale, purchase, or display of Social Security numbers in the private sector would not apply if Social Security numbers are needed to enforce child support obligations; to help prevent other individuals from suffering the same tragic fate as Amy Boyer, we include a new provision that prohibits a person from obtaining or using another person's Social Security number in order to locate that individual with the intent to physically injure or harm the individual or use their identity for an illegal purpose; and we have clarified the provision that would prohibit businesses from denying services to individuals an exception for those businesses that are required by Federal law to submit the individual's Social Security number to the Federal Government.

I think that it is high time that we get back to the original purpose of the social security number. Social Security numbers were designed to be used to track workers and their earnings so that their benefits could be accurately calculated when a worker retires—nothing else.

I urge my colleagues to cosponsor this very important piece of legislation.

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN):

S. 1015. A bill to require the Secretary of Transportation to issue regulations to address safety concerns and to minimize delays for motorists at railroad grade crossings; to the Committee on Commerce, Science, and Transportation.

Mr. LEVIN. Mr. President, today I am pleased to introduce the Railroad Crossing Delay Reduction Act with Senator STABENOW and Senator DURBIN. This legislation requires the Secretary of Transportation to issue regulations within one year to address the safety concerns that arise when trains block traffic at railroad crossings.

Sixteen States and many more municipalities have passed statutes and ordinances limiting the amount of time a train is allowed to stop at and thus block a railroad grade crossing. There are specific safety reasons for limiting the time roadways can be blocked by trains. However, the U.S. District Court for the Eastern District of Michigan struck down a Michigan statute regulating the length of time that a train may block a roadway, opening up the safety issues that my bill will address. The ordinance in question prohibited trains from obstructing free passage of any street for longer than five minutes in order to minimize safety problems within communities.

The court concluded that the ordinance was preempted by the Federal Railway Safety Act, FRSA. Unfortunately, there is no Federal regulation

addressing the length of time a train may block a grade crossing. That means the State of Michigan and all of its political subdivisions are now without the authority to provide this regulation and have no other remedy. They are urging the passage of Federal legislation to regulate the length of time a train may block a roadway in the interest of public health and safety. They are calling for Federal action to give them relief from the 45 minutes or more that trains are currently sitting in railway crossings and blocking their roadways.

Believe it or not, trains actually stop in the middle of intersections for 45 minutes or longer at a time. I have been given examples of trains in Michigan that have sat for hours at crossings. You can imagine the ramifications of major intersections being completely blocked for so long.

This nationwide problem is amplified in Southeast Michigan because of the number of rail lines in the region. For example, this lack of regulation is causing a lot of problems for some of the older municipalities in Michigan as train tracks literally criss-cross their cities. For instance, in Trenton, MI, there is an entire neighborhood that is bordered on one side by water on two sides by train tracks, forming a triangle. If two trains block the tracks at the same time, which has happened, the residents are literally trapped. Worse than the residents being trapped is the fact that ambulances, police and fire trucks are trapped out of town, or delayed in getting to their emergency destinations.

Unless we take action and require the FRA to act, communities with rail crossings are vulnerable. The problems range from the problem of traffic congestion and delays to the literal inability of emergency vehicles to get in or out of a community. Many Michigan cities have railroad crossings at a number of important intersections that, when closed by trains, severely limits their ability to provide emergency service to its residents. Medical emergency crews in Michigan have specifically complained to me that they face the daily problem of trains blocking road traffic. They tell me this has the potential to put in jeopardy their patients' best chance of recovery. As we all understand, time is of the essence in emergency situations.

Trains blocking railroad crossings also pose a threat for pedestrians and children who may be tempted to crawl under or between rail cars during long waits in order to get to or from school. Vehicles may also be tempted to speed around a train before it gets to the crossing in order to avoid long delays. Both situations unnecessarily put lives in danger.

Michigan businesses have also complained to me that trains have blocked important roads for extensive periods of time during plant shift changes. This has resulted in unnecessary lost wages and lost production when employees cannot get to work.

Dozens of Michigan's towns and cities have pleaded for Federal action to resolve this intolerable situation and have even passed resolutions in support of this legislation. They include: Charter Township of Huron, City of Lincoln Park, City of Plymouth, City of Riverview, City of Rockwood, City of Southgate, City of Trenton, City of Westland, to name only a few. Our community leaders believe it is essential to the public health, safety and welfare of the residents of their cities that blocked crossings be kept to a reasonable minimum, so that emergency vehicles may have ready access to their citizens.

The legislation I am introducing today will give the Federal Railroad Administration the push it needs to enact much needed regulations to address this safety problem.

My bill would simply require the Secretary of Transportation to issue regulations addressing these safety concerns. It is a reasonable approach with nothing controversial or complicated about it. Congressman DINGELL has sponsored an identical bill in the House.

We need to stop the delays and remove potentially dangerous situations by minimizing how long trains can stop at grade crossings. Its time to address this lingering safety concern and reduce the risk to motorists, pedestrians, and citizens at large. This is a very simple bill that aims to stop the abuse of trains unnecessarily blocking railroad crossings. It simply directs the FRA, the agency tasked with overseeing railroad safety, to take action in this area. I hope this legislation will be enacted quickly.

The Railroad Crossing Delay Reduction Act has the support of local mayors, fire and police departments and emergency organizations. There is currently no Federal limit to how long trains can sit and block railroad crossings. This bill would require that one be instituted, in the name of the public's safety.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1015

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Crossing Delay Reduction Act".

#### SEC. 2. REGULATIONS.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations regarding trains that block traffic at railroad grade crossings to address safety concerns and to minimize delays encountered by motorists that are caused by such trains.

Ms. STABENOW. Mr. President, I am proud to join my colleague from Michigan, Senator LEVIN, in introducing the "Railroad Crossing Delay Reduction Act of 2001."

Trains needlessly blocking traffic at railroad grade crossings is a long-standing nationwide problem, that puts lives and property at grave risk. When trains unnecessarily block vital intersections, it can cost police, firefighters and emergency medical workers, critical minutes when responding to an emergency situation. They also increase train-automobile accidents, because many motorists dangerously speed through railroad crossing intersections, in an attempt to avoid being delayed for an extended period by an oncoming train. Train blockage also prevents pedestrians, often young children on the way to and from neighborhood schools, from crossing a railroad intersection resulting in pedestrians climbing through trains to reach the other side.

Across the country, there are reports that fire trucks, ambulances, and police vehicles have been unnecessarily delayed at train crossings. The loss of a few minutes in an emergency situation can mean the difference between life and death. A fire in a home or business can double in size every 20 seconds, and a person suffering from a heart attack can die after only six minutes without oxygen. In my home State of Michigan, fire and EMS units in Delta Township were blocked by a train for a few extra minutes as a boy burned to death on the other side of the railroad crossing.

Last year, a Federal judge in Michigan struck down a State law limiting the amount of time a train can block a crossing on the grounds that it was a Federal issue and involved interstate commerce under the Commerce Clause of the U.S. Constitution. Over 30 communities in Michigan alone have passed resolutions asking for Congress to act on this important safety issue.

The "Railroad Crossing Delay Reduction Act of 2001" addresses this important national problem by requiring the Department of Transportation to issue regulations to address these serious safety concerns with respect to trains blocking traffic at railroad grade crossings, and to minimize delays to automobile traffic resulting from these blockages. I urge my Senate colleagues to support this legislation and help address this critical railroad safety issue.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. MCCAIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 1016. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the Medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with Senators LUGAR, MCCAIN, CORZINE, and LINCOLN. This legislation is entitled the "Start Healthy, Stay Healthy Act of 2001." The purpose of the legislation is to significantly reduce the number of uninsured children

and pregnant women by improving outreach to and enrollment of children and by expanding coverage to pregnant women through Medicaid and CHIP.

An estimated 11 million children under age 19 were without health insurance in 1999, including 129,000 in New Mexico, representing 15 percent of all children in the United States and 22 percent of children in New Mexico. Unfortunately, due to variety of factors, including the lack of knowledge by families about CHIP and bureaucratic barriers to coverage such as lengthy and complex applications, an estimated 6.7 million of our Nation's uninsured children are eligible for but unenrolled in either Medicaid or CHIP.

In addition, an estimated 4.3 million, or 32 percent, of mothers below 200 percent of poverty are uninsured. According to the March of Dimes, "Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age."

It is a travesty that our Nation ranks 25th in infant mortality and 21st in maternal mortality in the world, which is the worst among developed nations. Our legislation would address the problems related to these issues.

Giving children a healthy start: The legislation provides States with an enhanced Medicaid matching rate to ensure that children eligible for Medicaid or CHIP leave the hospital insured and remain so through the first year of life. The legislation provides States with the option to further extend coverage to pregnant women through Medicaid and CHIP to reduce infant and maternal mortality and low birthweight babies.

Helping children stay healthy: The legislation provides States with an enhanced Medicaid matching rate to reduce the barriers to care for children to keep them healthy throughout their childhood. And, the legislation provides States with the option to increase CHIP eligibility from 200 percent of federal poverty level to 250 percent and to extend coverage to children through age 20.

As an example of an imposed barrier to health coverage, as of March of this year, eight States continued to impose an asset test on children and their families prior to receiving Medicaid coverage. This results in a rather burdensome and complicated application in each of these States. For example, in Colorado, the Denver Department of Human Services received 15,330 applications for Medicaid and 3,700 were denied for having an asset, such as a car, in 1999. As the Denver Post pointed out, "Acquire an asset more than \$1,500, such as a car, and you've traded in health insurance for your children."

In addition to creating a high percentage of denials, the imposition of an assets test significantly complicates the Medicaid or CHIP enrollment appli-

cations. For example, some States require reporting on everything from whether anyone in the household has any resource such as a checking account, life insurance, burial insurance, a saving account, or any personal items above a certain amount to documenting things such as work income, alimony, child support, interest from savings, CD's, etc. over a period of time, including several months in the past.

This can be a nightmare for some families. In Colorado, of the families that do attempt to fill out the Medicaid or CHIP application, it is estimated that 37 percent of all families are denied coverage because the application is incomplete. In Texas, Medicaid applicants can face a 17-page application, up to 14 forms and up to 20 verifications of those forms.

As a story in last Friday's Washington Post entitled "Health Coverage for Kids Low-Cost but Little Used," it was noted that about 100 students from Yale Medical School, likely some of our Nation's best and brightest, filled out applications forms as part of their training to enroll families and that not one was able to complete the form adequately. If Yale Medical School students cannot fill out the forms properly, is it any wonder that families across the country are having a difficult time with the bureaucratic paperwork?

Fortunately, New Mexico eliminated its assets test a few years ago in an effort to simplify its Medicaid application and make it easier for families to apply. According to a recent report by the Kaiser Family Foundation, States that have eliminated the asset test from Medicaid have been able to streamline the eligibility determination process, adopt automated eligibility determination systems, improve the productivity of eligibility workers, establish Medicaid's identity as a health insurance program distinct from welfare, make the enrollment process for families friendlier and more accessible, and achieve Medicaid administrative cost savings.

In addition, the State of Texas has enacted legislation in recent days that seeks to simplify its enrollment process.

And yet, there are also reports from other States such as Kentucky and Idaho that are moving to impose additional bureaucratic barriers to coverage.

As the Denver Rocky Mountain News writes, "The logic of erecting such paperwork obstacles escapes us. Government doesn't have to offer insurance to the children of the working poor, but having made the decision to do so, it's hardly fair then to smother the program beneath layers of red tape."

There are also problems related to the poor coordination between government agencies that are supposed to serve low-income families.

My good friend, Senator LUGAR, recognized this very point and success-

fully passed language in the "Agricultural Risk Protection Act of 2000" to improve the coordination between the school lunch program and both Medicaid and CHIP. His language makes it easier to disclose information from the school lunch program application to Medicaid and CHIP agencies. Since children that qualify for the school lunch program are almost certainly eligible for either Medicaid or CHIP, this simple but important language is already having an important impact on the enrollment of children into Medicaid or CHIP.

According to a report by Covering Kids, the Albuquerque Public Schools have successfully worked to improve coordination between Medicaid and the school lunch program. As the report reads, "The team's record of success shows that a well-designed process and dedicated staff can make [Medicaid enrollment] work. In August and September of 2000, Albuquerque Public Schools determined 386 children to be presumptively eligible for health coverage. Of these, 371 were enrolled and only 15 were denied. That's a 96 percent acceptance rate. And the numbers are growing."

This coordination between Medicaid and the school lunch program is being replicated across the country as a result of Senator LUGAR's language. However, we still have a number of problems with regard to coordination between Medicaid and CHIP across the states that this bill seeks to address.

Why is this important? Why should we make additional efforts to reduce the number of uninsured children? According to the American College of Physicians—American Society of Internal Medicine, uninsured children, compared to the insured, are: up to 6 times more likely to have gone without needed medical, dental or other health care; 2 times more likely to have gone without a physician visit during the previous year; up to 4 times more likely to have delayed seeking medical care; up to 10 times less likely to have a regular source of medical care; 1.7 times less likely to receive medical treatment for asthma; and, up to 30 percent less likely to receive medical attention for any injury.

This is equally true of expanded coverage to children and pregnant women in government health programs. In fact, one study has "estimated that the 15 percent rise in the number of children eligible for Medicaid between 1984 and 1992 decreased child mortality by 5 percent." This expansion of coverage for children occurred, I would add, during the Reagan and Bush Administrations, so this is clearly a bipartisan issue that deserves further bipartisan action.

We, as a Nation, should be doing much better by our children. It should be unacceptable to all of us that the United States ranks 25th in infant mortality and 21st in maternal mortality in the world.

Therefore, in addition to seeking to improve health insurance coverage

among children, the bill builds off legislation sponsored in the last Congress by Senator LINCOLN entitled the "Improved Maternal and Children's Health Coverage Act" and makes an important change to CHIP to allow pregnant women to be covered. Thus, the first two words of our bill, "Start Healthy."

Throughout our Nation's history, there has been long-standing Federal policy linking programs for pregnant women and infants, including Medicaid, WIC, and the Maternal Child Health Block Grant. CHIP, unfortunately, failed to provide coverage to pregnant women beyond the age of 18. As a result, it is more likely that children eligible for CHIP are not covered from the moment of birth, and therefore, miss those first critical months of life until their CHIP application is processed. They are also more likely not to have had prenatal care.

By expanding coverage to pregnant women in the Children's Health Insurance Program, this legislation recognizes the importance of prenatal care to the health and development of a child. As Dr. Alan Waxman of the University of New Mexico School of Medicine notes, "Prenatal care is an important factor in the prevention of birth defects and the prevention of prematurity, the most common causes of infant death and disability. Babies born to women with no prenatal care or late prenatal care are nearly twice as likely to [be] low birthweight or very low birthweight as infants born to women who received early prenatal care."

Unfortunately, according to a recent report by the Centers for Disease Control and Prevention, New Mexico ranked worst in the nation in the percentage of mothers receiving late or no prenatal care last year. The result is often quite costly, both in terms of the health of the mother and child but also in terms of long-term expenses since the result can be chronic, lifelong health problems.

In fact, according to the Agency for Healthcare Research and Quality, "four of the top 10 most expensive conditions in the hospital are related to care of infants with complications (respiratory distress, prematurity, heart defects, and lack of oxygen)." As a result, in addition to reduced infant mortality and morbidity, the provision to expand coverage of pregnant women and prenatal care can be cost effective.

The Start Healthy, Stay Healthy Act also eliminates the unintended Federal incentives through CHIP that covers pregnant women only through the age of 18 and cut off that coverage once the women turn 19 years of age. Should the government tell women that they are more likely to receive prenatal care coverage only if they become pregnant as a teenager?

I certainly think not, and certainly it is unlikely there is a single Senator that would think it wise to send such a message. This legislation corrects this unfortunate and unintentional policy

by allowing pregnant women to be covered through CHIP regardless of age.

And finally, this legislation imposes no Federal mandates on States to achieve these goals. Rather, through financial incentives, States that adopt "best practices" and less cumbersome enrollment processes for children would be rewarded.

The budget resolution contains \$28 billion over 10 years to reduce the number of uninsured in this country. Although the Congress passed CHIP in 1997, 11 million children remain uninsured. It is time we finish the job of ensuring that we, as the President says, "leave no child behind."

This bipartisan legislation has already received the endorsement of the following organizations: the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Catholic Health Association, Premier, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child By Two, and the United Cerebral Palsy Associations. I urge its passage as soon as possible.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1016

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Start Healthy, Stay Healthy Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—START HEALTHY

Sec. 101. Enhanced Federal medicaid match for States that opt to continuously enroll infants during the first year of life without regard to the mother's eligibility status.

Sec. 102. Optional coverage of low-income, uninsured pregnant women under a State child health plan.

Sec. 103. Increase in SCHIP income eligibility.

#### TITLE II—STAY HEALTHY

Sec. 201. Enhanced Federal medicaid match for increased expenditures for medical assistance for children.

Sec. 202. Increase in SCHIP appropriations.

Sec. 203. Optional coverage of children through age 20 under the medicaid program and SCHIP.

#### TITLE I—START HEALTHY

##### SEC. 101. ENHANCED FEDERAL MEDICAID MATCH FOR STATES THAT OPT TO CONTINUOUSLY ENROLL INFANTS DURING THE FIRST YEAR OF LIFE WITHOUT REGARD TO THE MOTHER'S ELIGIBILITY STATUS.

(a) STATE OPTION.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "A State may elect (through a State plan amendment) to apply the first sentence of this paragraph without regard to the requirements that the child remain a member of the woman's household and the woman remains (or would remain if pregnant) eligible for medical assistance."

(b) ENHANCED FMAP.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by inserting "(A)" after "only"; and

(2) by inserting ", or (B) on the basis of a State election made under the third sentence of section 1902(e)(4)" before the period.

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on or after October 1, 2001.

##### SEC. 102. OPTIONAL COVERAGE OF LOW-INCOME, UNINSURED PREGNANT WOMEN UNDER A STATE CHILD HEALTH PLAN.

(a) IN GENERAL.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

##### "SEC. 2111. OPTIONAL COVERAGE OF LOW-INCOME, UNINSURED PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State child health plan (whether implemented under this title or title XIX) may provide for coverage of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if the State has established an income eligibility level under section 1902(1)(2)(A) for women described in section 1902(1)(1)(A) that is 185 percent of the income official poverty line.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services) and to other conditions that may complicate pregnancy.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' has the meaning given the term targeted low-income child in section 2110(b) as if any reference to a child were deemed a reference to a woman during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than subsection (b)) to a targeted low income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2).

“(4) The medicaid applicable income level is deemed a reference to the income level established under section 1902(l)(2)(A).”

“(5) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1) is deemed not to require, in such case, compliance with the requirements of section 2103(a).”

“(6) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any pre-existing condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.”

“(d) NO IMPACT ON ALLOTMENTS.—Nothing in this section shall be construed as affecting the amount of any initial allotment provided to a State under section 2104(b).”

“(e) APPLICATION OF FUNDING RESTRICTIONS.—The coverage under this section (and the funding of such coverage) is subject to the restrictions of section 2105(c).”

“(f) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—Notwithstanding any other provision of this title or title XIX, if a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the children's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan (or, in the case of a State that provides such assistance through the provision of medical assistance under a plan under title XIX, to have applied for medical assistance under such title and to have been found eligible for such assistance under such title) on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).”

(b) STATE OPTION TO USE ENHANCED FMAP AND SCHIP ALLOTMENT FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN UNDER THE MEDICAID PROGRAM.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by inserting “and in the case of a State plan that meets the condition described in subsections (u)(1) and (u)(4)(A), with respect to expenditures described in subsection (u)(4)(B) for the State for a fiscal year” after “for a fiscal year.”; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

“(4)(A) The condition described in this subparagraph for a State plan is that the plan has established an income level under section 1902(l)(2)(A) with respect to individuals described in section 1902(l)(1)(A) that is 185 percent of the income official poverty line.”

“(B) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for women described in section 1902(l)(1)(A) whose income exceeds the income level established for such women under section 1902(l)(2)(A)(i) as of the date of the enactment of this paragraph but does not exceed 185 percent of the income official poverty line.”.

(c) NO WAITING PERIODS OR COST-SHARING.—

(1) NO WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking “, and” at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman, if the State provides for coverage of pregnancy-related assistance for such women in accordance with section 2111.”.

(2) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting “AND PREGNANCY-RELATED SERVICES” after “PREVENTIVE SERVICES”; and

(B) by inserting before the period at the end the following: “or for pregnancy-related services, if the State provides for coverage of pregnancy-related assistance for targeted low-income pregnant women in accordance with section 2111.”.

(d) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1920A(b)(3)(A)(i)(III) of the Social Security Act (42 U.S.C. 1396r-1a(b)(3)(A)(i)(III)) is amended by inserting “a child care resource and referral agency,” after “a State or tribal child support enforcement agency.”.

(2) APPLICATION TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r-1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

“The term ‘qualified provider’ includes a qualified entity as defined in section 1920A(b)(3).”.

(3) APPLICATION UNDER TITLE XXI.—

(A) IN GENERAL.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

“(D) Sections 1920 and 1920A (relating to presumptive eligibility).”.

(B) EXCEPTION FROM LIMITATION ON ADMINISTRATIVE EXPENSES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR PRESUMPTIVE ELIGIBILITY EXPENDITURES.—The limitation under subparagraph (A) on expenditures shall not apply to expenditures attributable to the application of section 1920 or 1920A (pursuant to section 2107(e)(1)(D)), regardless of whether the child or pregnant woman is determined to be ineligible for the program under this title or title XIX.”.

(e) PROGRAM COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM (TITLE V).—

(1) IN GENERAL.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.”.

(2) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(A) by striking “and” before “(C)”; and

(B) by inserting before the semicolon at the end the following: “, and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2002.

(f) APPLICATION OF ANNUAL AGGREGATE COST-SHARING LIMIT.—Section 2103(e)(3)(B) of the Social Security Act (42 U.S.C. 1397cc(e)(3)(B)) is amended by adding at the end the following new sentence: “In the case of a targeted low-income pregnant woman provided coverage under section 2111, or the parents of a targeted low-income child provided coverage under this title under an 1115 waiver or otherwise, the limitation on total annual aggregate cost-sharing described in the preceding sentence shall be applied to the entire family of such woman or parents.”.

(g) EFFECTIVE DATE.—Except as provided in subsection (e), the amendments made by this section take effect on the date of the enactment of this Act and apply to expenditures incurred on or after that date.

## SEC. 103. INCREASE IN SCHIP INCOME ELIGIBILITY.

(a) DEFINITION OF LOW-INCOME CHILD.—Section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) is amended by striking “200” and inserting “250”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child health assistance provided, and allotments determined under section 2104 of the Social Security Act (42 U.S.C. 1397dd), for fiscal years beginning with fiscal year 2002.

## TITLE II—STAY HEALTHY

### SEC. 201. ENHANCED FEDERAL MEDICAID MATCH FOR INCREASED EXPENDITURES FOR MEDICAL ASSISTANCE FOR CHILDREN.

(a) ENHANCED FMAP.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: “Notwithstanding the first sentence of this subsection, in the case of a State plan that meets at least 7 of the conditions described in subsection (x)(1) (as determined by the Secretary in consultation with States (including the State agencies responsible for the administration of this title and title V), beneficiaries under this title, providers of services under this title, and advocates for children), with respect to expenditures described in subsection (x)(2) for the State for a fiscal year, the Federal medical assistance percentage is equal to the percentage determined for the State under subsection (x)(3).”.

(b) CONDITIONS AND EXPENDITURES DESCRIBED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

“(x)(1) For purposes of subsection (b), the conditions described in this subsection are the following:

“(A) HIGHEST SCHIP INCOME ELIGIBILITY.—The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has the highest income eligibility standard permitted under title XXI as of January 1, 2001, does not limit the acceptance of applications, and provides benefits to all children in

the State who apply for and meet eligibility standards.

“(B) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children under age 19 (or such higher age as the State has elected under section 1902(1)(1)(D)) who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under this title and also under title XXI.

“(C) COORDINATED ENROLLMENT PROCESS.—The State has an enrollment process that is coordinated with that under title XXI so that a family need only interact with a single agency in order to determine whether a child is eligible for benefits under this title or title XXI, and that allows for the transfer of enrollment, without a gap in coverage, for a child whose income eligibility status changes but who remains eligible for benefits under either title.

“(D) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children under age 19 (or such higher age as the State has elected under section 1902(1)(1)(D)) who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under title XXI, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under this title and title XXI.

“(E) NO ASSET TEST.—The State does not impose an asset test for eligibility under section 1902(1) or title XXI with respect to children.

“(F) 12-MONTH CONTINUOUS ENROLLMENT.—The State has elected the option of continuing enrollment under section 1902(e)(12) and has elected a 12-month period under subparagraph (A) of such section.

“(G) COMPLIANCE WITH OUTSTATIONING REQUIREMENT.—The State is providing for the receipt and initial processing of applications of children for medical assistance under this title at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in subsection (1)(2)(B) of this section consistent with the requirements of section 1902(a)(55).

“(H) NO WAITING PERIOD LONGER THAN 6 MONTHS.—The State does not impose a waiting period for children who meet eligibility standards to qualify for assistance under such plan that exceeds 6 months (and may impose a shorter period or no period) for purposes of complying with regulations promulgated under title XXI to ensure that the insurance provided under the State child health plan under such title does not substitute for coverage under group health plans.

“(I) SUFFICIENT PROVIDER PAYMENT RATES.—The State demonstrates that it is meeting the requirements of section 1902(a)(30)(A) through payment rates sufficient to enlist enough providers so that care and pediatric, obstetrical, gynecologic, and dental services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area.

“(2)(A) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for children described in subparagraph (B) for a fiscal year, but only to the extent that such expenditures exceed the base expenditure amount, as defined in subparagraph (C).

“(B) For purposes of subparagraph (A), the children described in this subparagraph are—

“(i) individuals who are under 19 years of age (or such higher age as the State may have elected under section 1902(1)(1)(D)) who are eligible and enrolled for medical assistance under this title; and

“(ii) individuals who—

“(I) would be described in clause (i) but for having family income that exceeds the highest income eligibility level applicable to such individuals under the State plan; and

“(II) would be considered disabled under section 1614(a)(3)(C) (determined without regard to the reference to age in that section but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits.

“(C) For purposes of subparagraph (A), the term ‘base expenditure amount’ means the total expenditures for medical assistance for children described in subparagraph (B) for fiscal year 1996.

“(3) For purposes of subsection (b), the Federal medical assistance percentage with respect to expenditures described in paragraph (2) for a fiscal year is equal to the following:

“(A) In the case of a State that meets 7 of the conditions described in paragraph (1), the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased by a number of percentage points equal to 50 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State is less than (2) the enhanced FMAP for the State described in section 2105(b).

“(B) In the case of a State that meets 8 of the conditions described in paragraph (1), the Federal medical assistance percentage (as so defined) for the State increased by a number of percentage points equal to 75 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State is less than (2) the enhanced FMAP for the State (as so described).

“(C) In the case of a State that meets all of the conditions described in paragraph (1), the enhanced FMAP (as so described).”

(c) COLLECTION OF DATA.—The Secretary of Health and Human Services shall modify such data collection and reporting requirements under title XIX of the Social Security Act as are necessary to determine the expenditures and base expenditure amount described in section 1905(x)(2) of that Act (as added by subsection (b)), particularly with respect to expenditures and the base expenditure amount related to children described in section 1905(x)(2)(B)(ii) of that Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to medical assistance provided on or after October 1, 2001.

#### SEC. 202. INCREASE IN SCHIP APPROPRIATIONS.

Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended by striking paragraphs (5) through (9) and inserting the following:

“(5) for fiscal year 2002, \$3,500,000,000;

“(6) for fiscal year 2003, \$4,000,000,000;

“(7) for fiscal year 2004, \$4,300,000,000;

“(8) for fiscal year 2005, \$4,500,000,000;

“(9) for fiscal year 2006, \$4,500,000,000; and”.

#### SEC. 203. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(1)(1)(D) of the Social Security Act (42 U.S.C. 1396a(1)(1)(D)) is amended by inserting “(or, at the election of a State, 20 or 21 years of age)” after “19 years of age”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of such Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting “(or 1 year less than the age the State has elected under subsection (1)(1)(D))” after “18 years of age”.

(B) Section 1902(e)(12) of such Act (42 U.S.C. 1396a(e)(12)) is amended by inserting “or such higher age as the State has elected under subsection (1)(1)(D)” after “19 years of age”.

(C) Section 1920A(b)(1) of such Act (42 U.S.C. 1396r-1a(b)(1)) is amended by inserting “or such higher age as the State has elected under section 1902(1)(1)(D)” after “19 years of age”.

(D) Section 1928(h)(1) of such Act (42 U.S.C. 1396s(h)(1)) is amended by inserting “or 1 year less than the age the State has elected under section 1902(1)(1)(D)” before the period at the end.

(E) Section 1932(a)(2)(A) of such Act (42 U.S.C. 1396u-2(a)(2)(A)) is amended by inserting “(or such higher age as the State has elected under section 1902(1)(1)(D))” after “19 years of age”.

(b) TITLE XXI.—Section 2110(c)(1) of such Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting “(or such higher age as the State has elected under section 1902(1)(1)(D))”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance provided on or after such date.

#### FACT SHEET—START HEALTHY, STAY HEALTHY ACT OF 2001

Sens. Jeff Bingaman (D-NM), Richard Lugar (R-IN), John McCain (R-AZ), Jon Corzine (D-NJ), and Blanche Lincoln (D-AR) introduced the “Start Healthy, Stay Healthy Act of 2001” on June 12, 2001. The legislation would significantly reduce the number of uninsured children and pregnant women by improving outreach to and enrollment of children and by expanding coverage to pregnant women through Medicaid and the State Children’s Health Insurance Program (CHIP).

An estimated 11 million children under age 19 were without health insurance in 1999, representing 15% of all children in the United States. Due to a variety of factors, including governmental barriers to coverage, such as bureaucratic “red tape,” and the lack of knowledge of families about CHIP, an estimated 6.7 million of our nation’s uninsured children are eligible for but are unenrolled in either Medicaid or CHIP.

In addition, an estimated 4.3 million, or 32%, of mothers below 200% of poverty are uninsured. According to the March of Dimes, “Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age.”

The legislation would reduce the number of uninsured children and pregnant women by:

##### *Start healthy*

Providing states with an enhanced Medicaid matching rate to ensure that children eligible for Medicaid or CHIP leave the hospital insured and remain so through the first year of life.

Providing states with the option to further extend coverage to pregnant women through Medicaid and CHIP to reduce infant and maternal mortality and low birthweight babies.

##### *Stay healthy*

Providing states with an enhanced Medicaid matching rate to reduce the barriers to care for children to keep them healthy throughout their childhood.



Providing states with the option to increase CHIP eligibility from 200% of federal poverty level to 250% and to extend coverage to children through age 20.

As a result of these provisions, the legislation would achieve the following additional objectives:

**Reduces Infant and Maternal Mortality:** The United States ranks 25th in infant mortality and 21st in maternal mortality, the worst among developed nations. Studies with respect to the previous expansions of Medicaid coverage to pregnant women and children during the Reagan and Bush Administrations indicate those expansions reduced infant mortality and improved child health (GAO, "Insurance and Health Care Access," November 1997). By reducing the number of uninsured children and pregnant women in this country, the legislation would also reduce infant and maternal mortality as well.

**Eliminates Bureaucratic Barriers to Coverage and Promotes Best Practices by States:** Building on the successful enactment of Senator LUGAR's amendment to the "Agricultural Risk Protection Act of 2000" to make it easier to disclose information from the school lunch program application to Medicaid and CHIP agencies, this legislation seeks to further improve coordination between Medicaid, CHIP, and the Maternal and Child Health (MCH) Block Grant in order to expand health insurance coverage to eligible but unenrolled children. The bill also provides states financial incentives to remove bureaucratic barriers to health insurance coverage in Medicaid and CHIP for children. These provisions reward states for "best practices" and also eliminates the negative incentive for states to enroll children improperly in CHIP (with the higher matching rate, higher cost sharing, and reduced benefits) rather than Medicaid (with a lower matching rate, reduced cost sharing, and increased benefits).

**Addresses the "CHIP Dip":** There is a "dip" in federal funding, known as the "CHIP dip" in fiscal years 2002 through 2006 that states have complained will cause them to limit their CHIP programs out of fear of not having enough funding in those years. The bill addresses that problem by raising CHIP funding levels in fiscal years FY 2002 through 2006.

**Eliminates Unintended Federal Incentives Regarding Teenage Pregnant Women:** Current federal law allows pregnant women to receive coverage through CHIP through age 18—creating a perverse federal incentive of covering only teenage pregnant women and cutting off that coverage once they turn 19 years of age. This legislation would eliminate this problem by allowing states to cover pregnant women through CHIP, regardless of age. This also eliminates the unfortunate separation between pregnant women and infants that has been created through CHIP, which has been contrary to long-standing federal policy through programs such as Medicaid, WIC, MCH, etc.

**Imposes No Mandates on States:** This legislation imposes no mandates on states. However, states would, just as we have done in the Temporary Assistance for Needy Families (TANF), be provided financial incentives and accountability for the additional money this legislation provides in return for reducing governmental barriers to coverage for children and pregnant women.

**Remains Within the Budget Framework:** The budget provides for \$28 billion over 10 years for the purpose of reducing the number of uninsured. This proposal will meet those budgetary limits.

This bipartisan legislation has received the endorsement of the following organizations: the March of Dimes, the American Academy of Pediatrics, the American College of Obstet-

tricians and Gynecologists, the American Academy of the Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Catholic Health Association, Premier, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child by Two, and the United Cerebral Palsy Associations.

#### LEGISLATIVE SUMMARY

This legislation is split into two titles:

##### *Title I: Start healthy*

Provides states through Medicaid with the CHIP enhanced matching rate if they choose the option to continuously enroll infants from birth through the first year of life, as allowed under current law, regardless of the woman's status during that year.

Provides states with an option to further cover pregnant women through Medicaid and CHIP (above 185% of poverty up to the full CHIP eligibility levels) in order to reduce infant mortality and the delivery of low birth-weight babies.

##### *Title II: Stay healthy*

Provides states through Medicaid with the CHIP enhanced matching rate for children above a certain base expenditure level such as a state's spending on children in 1996) if they choose to meet the following conditions: States must expand coverage to children up to the full extent that is allowed under CHIP (to 200% of poverty or 50 percentage points above where the coverage levels were prior to passage of Title XXI); adoption of a simplified, joint mail-in application; adoption of application procedures (e.g., verification and face-to-face interview requirements) that are no more extensive, onerous, or burdensome in Medicaid than in CHIP; elimination of assets test; adoption of 12-month continuous enrollment; adoption of procedures that simplify the redetermination/coverage renewal process by allowing families to establish their child's continuing eligibility by mail and, in states with separate CHIP programs, by establishing effective procedures that allow children to be transferred between Medicaid and the separate program without a new application a gap in coverage when a child's eligibility status changes; compliance with the OBRA-89 outstationed workers requirement, which provide for outstationed eligibility workers in Medicaid DSH hospitals and community health centers, impose waiting periods no longer than 6 months for children seeking to enroll in CHIP (ensure flexibility for states to impose shorter periods, if at all); and demonstrate that the State has adopted payments rates sufficient to enlist enough providers so that care and pediatric, obstetrical/gynecologic and dental services are available at least to the extent such care and services are available to the general population in the geographic area.

States meeting these conditions would receive the full enhanced CHIP matching rate. If a state meets 8 of these conditions, it would receive 75% of the difference between the regular Medicaid matching rate and the CHIP enhanced matching rate. If a state meets 7 of the conditions, it would receive 50% of the difference.

Expand CHIP eligibility to 250% of poverty for children and pregnant women.

Expand CHIP eligibility up to age 21 (adding 19 and 20 year-olds).

The legislation also increases the CHIP allotments in FY 2002 to \$3.5 billion, in FY 2003 to \$4 billion, in FY 2004 to \$4.3 billion in FY 2005 to \$4.5 billion, and in FY 2006 to \$4.5 billion.

By Mr. DODD (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. LUGAR, Mr. ROBERTS, Mr. BAUCUS, Mr. LEVIN, Mrs. BOXER, Mr. JEFFORDS, Mr. KENNEDY, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. BINGAMAN, Mr. DURBIN and Mr. HAGEL):

S. 1017. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, last year 26 Senators cosponsored legislation to help the Cuban people and American farmers and businesses by allowing sales of food and medicine to Cuba. Later, with passage of the FY2001 Agriculture Appropriations Bill, the 106th Congress approved the issuance one year licenses for the sale of food and medicine to Cuba, but placed restrictions on the financing of these sales. This was a beginning, and now we need to expand on this small success by continuing to move forward in constructing bridges to the Cuban people.

Toward that end, I am today joined by a bipartisan group of my colleagues in introducing the Bridges to the Cuban People Act, an expanded version of the legislation that was passed last year. Among those joining as original cosponsors are Senators CHAFEE, LEAHY, LUGAR, ROBERTS, BAUCUS, LEVIN, BOXER, JEFFORDS, KENNEDY, AKAKA, WELLSTONE, DORGAN, BINGAMAN, and DURBIN. This bill comprehensively updates U.S. policy toward Cuba by increasing humanitarian trade between Cuba and the United States, increasing our people-to-people contacts, and enhancing the flexibility of the President with respect to our foreign policy towards Cuba. I would like to take a few moments to outline the various sections of this bill, and to explain to my colleagues the reasons why enactment of this legislation is so vital.

First, let me be clear. This new legislation will not end the embargo on Cuba. Rather, this bill creates specific exceptions to the embargo that will allow American farmers and businesses to sell food, medicine, and agricultural equipment to Cuba without the burden of securing annual licenses and will allow our farmers and businesses to use American banks and American financing to conduct these sales. Both of these changes, along with the lifting of shipping restrictions, are designed to allow sales to move forward in a way that is less burdensome to American farmers and businesses. Additionally, this bill would mandate that the President submit a report to Congress each year describing the number and types of sales to Cuba so that we will have some official record of these sales.

The Building Bridges to the Cuban People Act would also lift the embargo on the exports of goods or services intended for the exclusive use of children. No embargo should include children as its victims, and this provision would allow us to give special attention to children in Cuba.

This bill also modernizes our approach to Cuba's medical exports. Cuba is currently involved in the development of some medicines that are not available in the United States, such as the Meningitis B vaccine, but that could save American lives. This legislation would allow Cuba, with the approval of the Secretary of Health and Human Services, to export to the United States medicines for which there is a medical need in the United States, provided the medicine is not currently being manufactured in our country. In this way we can build on the strong tradition of medical research in Cuba and encourage the free exchange of ideas and experiments between scholars.

In addition, this bill will lift restrictions on travel to Cuba. Cuba does not now pose a threat to individual Americans, and it is time to permit our citizens to exercise their constitutional right to travel to Cuba. Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit the island Nation. Today Americans are free to travel to Iran, the Sudan, Burma, Yugoslavia, and North Korea, but not to Cuba. This is a mistake. American influence, through person-to-person and cultural exchanges, was one of the prime factors in the evolution of our hemisphere from a hemisphere ruled predominantly by authoritarian and military regimes to one where democracy is the rule. Our current policy toward Cuba limits the United States from using our most potent weapon in our effort to combat totalitarianism, and that is our own people. They are some of the best ambassadors we have ever sent anywhere, and the free exchange of ideas between Americans and the Cuban people is one of the best ways to encourage democracy and build bridges between the American and Cuban people.

Another provision in this new legislation would allow us to reach out to Cuban students. Under this legislation, scholarships would be provided for Cubans who would like to pursue graduate study in the United States in the areas of public health, public policy, economics, law, or other fields of social science. Throughout our history, educational and cultural exchanges have proven to be valuable tools that lead to understanding and friendship. This scholarship program is a concrete example of the true people-to-people dialogue we should be trying to foster with Cuba.

Nor does this legislation ignore the struggle of the Cuban-American population in the United States. Cuban-Americans here have always had the ability to send money to their families

in Cuba, but the government imposes restrictions on the total amount of money that can be sent. This legislation would lift these limitations so that Americans would be free to provide whatever assistance they wished to their loved ones.

And, finally, this bill would modernize the way our policies toward Cuba are codified. At the present time, the President has the authority to waive Title III of the Helms/Burton Act. This legislation would extend the President's authority so that he could also waive Title I, Title II, and Title IV of the Helms/Burton Act, at his discretion. When Helms/Burton was enacted it contained a provision that codified all existing Cuban embargo Executive Orders and regulations, but did not provide for presidential waivers. This lack of waivers severely ties the hands of the Administration if a decision is made to make changes in our policy towards Cuba. The President should have the tools he needs to conduct and modify our foreign policy, and this legislation would give the President the flexibility to shape our relationship with Cuba in a more positive way.

In conclusion, I believe that this bill will streamline our Cuban policy so that it deals with the realities of the modern age, addresses the needs of our American farmers, patients, and children, while imposing the fewest restrictions on American citizens who wish to have contact with the people of Cuba. The people of Cuba are not our enemy. Our government's quarrel is with Fidel Castro, and our policies should reflect that reality. Without doubt, the Castro regime has denied rights to its citizens, but in our efforts to isolate him, we have built walls that are hampering our goal of bringing democracy to the Cuban people. As a measure that tears down those walls and replaces them with bridges, this legislation is a good starting point for a serious debate about how we can change U.S. policy in order to foster a peaceful transition to democracy on the island of Cuba while alleviating the hardship that our current policy has caused for the 11 million people who reside there. I hope to hold hearings in the near future and will be discussing with the committee leadership dates for the markup of this important legislation. Congressmen SERRANO, LEACH and more than eighty of their House colleagues have introduced a companion bill in the House today as well. I urge the rest of my colleagues to join us in this endeavor.

Mr. BINGAMAN. Mr. President, I rise today in support of the Bridges to Cuban People Act of 2001. As many of my colleagues know, I have been vocal in my support of legislation that removes sanctions against the Cuban people. I have supported such legislation for several reasons. First, sanctions ultimately hurt the very people we proclaim we are trying to help. It is obvious by now that barriers that either hinder or prohibit the flow of food and medicine to Cuba do not impact

the Castro regime, but rather harms innocent men, women, and children. Second, sanctions are counterproductive to our goal of bringing about change in Cuba. There is no empirical evidence whatsoever that our continued efforts to isolate Cuba has brought about any transformation in the way the Castro regime sees or reacts to the world. Finally, sanctions prevent U.S. firms from exporting to Cuba, allow their counterparts in other countries to make sales our firms cannot, and thus harm the U.S. economic interest.

I am convinced engagement on all fronts—social, economic, and political—will make a substantial difference in Cuba, and it is way past time that we begin that process. The bill today represents another dramatic step forward in our policy in this regard. After considerable debate over the years, we are now seeing consensus emerge among my colleagues on this issue, as indicated by the bi-partisan support for this bill. The components of this legislation—the unrestricted sales of food, farm equipment, agricultural commodities and medicine, the removal of restrictions on travel, the authorization of scholarships for Cuban students to study in the United States, among others—are in fact the humanitarian, responsible, and appropriate way to approach Cuba at this time.

Let me emphasize today, as I have in the past, that the elimination of sanctions on Cuba and the creation of new opportunities for the Cuban people does not imply that I, or the Senate as a whole, agree with the policies and politics of the Castro regime. Quite the contrary. I believe the Castro regime to be distinctly out of touch with current trends in the international system and their own people. I personally deplore the Castro regime's oppressive tactics. The lack of freedom and opportunity in that country stands in direct contrast to most of the countries in the Western Hemisphere and throughout the world. Cuba now stands alone in its inability to allow the growth of democracy, to establish the protection of individual rights, and create a semblance of economic security. It is a political system that should be condemned at every opportunity.

But as a practical matter this legislation suggests that we cannot effectively punish authoritarian regimes through their own people. Cuba is ripe for change, and the best way to achieve positive change is to allow Americans to communicate and associate with the Cuban people on an intensive and ongoing basis, to re-establish cultural activities, and to rebuild economic relations. To allow the Cuban system to remain closed does little to assert United States influence over policy in that country and it does absolutely nothing in terms of creating the foundation for much-needed political economic transformation. The spread of democracy comes from interaction, not isolation.

So, I strongly support this bill, and I urge my colleagues to do so as well.

By Mr. LEVIN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Ms. CANTWELL):

S. 1018. A bill to provide market loss assistance for apple producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, I am today introducing a bill that seeks to provide much needed assistance to our Nation's apple farmers. In the past four years, due to weather related disasters, disease and the dumping of Chinese apple juice concentrate, our Nation's apple producers have lost over \$1.4 billion dollars in revenue. This has left many growers on the brink of financial disaster.

In the past three years, Congress has assisted America's farmers by providing substantial assistance to agricultural producers. The U.S. apple industry boasts a long history of self-sufficiency and has long operated without relying upon federally funded farm programs. Last year, Congress, recognized the problems facing apple growers and for the first time ever, provided direct market loss assistance to apple growers.

Even with this aid, a significant percentage of apple growers are expected to go out of the business this year. Without some type of financial relief, the numbers could indeed be staggering. Studies by economists at Michigan State University estimated U.S. apple growers will lose nearly \$500 million this year alone. Such losses threaten to devastate the entire U.S. apple industry. The Michigan Farm Bureau states that the number of those leaving the business in some States is running as high as 30 percent. Assistance is desperately needed to help stabilize not only the production sector but entire communities and subsidiary businesses that are dependent on the apple industry, not only in Michigan, but nationwide.

The \$250 million in assistance we are proposing will help those who depend on the apple industry for their livelihood, and ensure that American apple growers will be able to provide the United States and the world with a quality product that is second to none.

Mrs. MURRAY. Mr. President, I rise today to express my strong support for legislation to provide \$250 million in emergency payments to apple growers. I would like to thank Senators LEVIN and SNOWE for their leadership on this issue.

Rural communities and agricultural producers have not enjoyed America's recent economic prosperity. Around the Nation, nearly all commodity producers are enduring low prices and trade challenges. In Washington State, these problems are compounded by a severe drought, an energy crisis, and fish listings under the Endangered Species Act.

The combined impact is devastating. Apple growers in my State, from Okanogan County to Walla Walla

County, are going bankrupt. Many family farmers have given up hope. On land that has produced high quality fruit for generations, farmers are tearing out orchards. Farmer cooperatives and other businesses that have been a part of rural communities for decades have closed up shop. Local governments have seen tax revenue decline. And non-farm businesses have struggled as consumers no longer have the cash to buy their goods and services.

In the 106th Congress, we responded. Last year, I worked with my colleagues to pass a \$100 million emergency package for apple growers. In 1999, I worked with the Clinton Administration to end the dumping by Chinese companies of non-frozen apple juice concentrate. And on a host of smaller issues, from fighting pests in abandoned orchards, to securing research funding, to breaking down trade barriers, I worked with the industry and other stakeholders to build a stronger foundation for the future.

We can be proud of what we accomplished. But we still have more to do in the 107th Congress.

If signed into law, this new legislation will provide \$250 million in emergency payments to apple growers nationwide. This emergency legislation will not save every producer. It will give the industry the financial support it needs to get through another year of disastrous prices. It will also give us the time we need to develop long-term solutions as part of the next farm bill for apple and other specialty crop growers.

I urge my colleagues to support this legislation. And I urge the Senate Agriculture Committee and the Senate Appropriations Committee to work with the sponsors of this bill to provide meaningful assistance to all apple growers.

By Mrs. FEINSTEIN:

S. 1019. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, today I am proud to introduce the Aircraft Clean Air Act of 2001. The bill is designed to encourage airlines to keep records of airplane cabin air quality complaints, as well as complaints of illnesses that may be a result of poor air quality.

Airlines are not required to maintain records of passenger and crewmember complaints regarding cabin air quality, even if the passenger or crewmember reports an illness as a result of poor air quality.

As a result, potentially valuable information is lost to researchers studying cabin air quality.

The Aircraft Clean Air Act allows passengers and crewmembers to submit their complaints directly to the Federal Aviation Administration and re-

quires that the Administration record the complaint and pass it on to the appropriate airline.

The bill requires airlines to maintain records of complaints for ten years.

If a passenger or crewmember requests mechanical or maintenance records with regard to their complaint, and the passenger or crewmember has had a health care professional verify their symptoms, this legislation requires that the airline provide the requested information within 15 days. If the airline does not comply with the request, it is subject to a civil penalty of \$1,000 for each day it does not produce the records.

Airlines must be ready to provide maintenance records of all chemicals used in or on the plane, from cleaning solvents to hydraulic fluids.

The traveling public should have access to any chemicals to which they may be exposed.

The Aircraft Clean Air Act addresses another issue, as well: aircraft pressurization.

Planes are currently pressurized to 8,000 feet while in the air. That means that even though the plane is flying at 30,000 feet, the cabin has the same air pressure as it would at 8,000 feet.

Airplane manufacturers arrived at the 8,000 figure in the 1960s when commercial air travel was booming. They agreed on the figure after testing the effects of different pressurizations on young, healthy pilots.

Because oxygen is absorbed into the blood at a much lower rate in high altitudes, there is speculation that some illnesses experienced during flight are a result of the 8,000 feet pressurization. Commonly reported symptoms such as shortness of breath and numbness in the limbs may be a direct result of the high altitude.

The Aircraft Clean Air Act directs the Federal Aviation Administration to sponsor an aeromedical research project to determine what cabin altitude limit should provide enough oxygen to passengers and crew.

The bill allows universities to compete to conduct the study, and the National Academy of Sciences' Committee on Air Quality in Passenger Cabins of Commercial Aircraft to select the winner.

Researchers will examine the oxygen saturation in people of different ages, weights, and body types at 5,000 feet through 8,000 feet. The bill directs researchers to determine which altitude provides enough oxygen to ensure that individuals' health is not adversely affected either in the short-term or long-term.

It is unacceptable that airlines do not maintain records of air quality complaints on their commercial flights. I hope my colleagues will join me in this effort to protect the traveling public and the hardworking men and women who make air travel possible.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. BINGAMAN, Mrs.

MURRAY, Mr. FEINGOLD, Mr. KOHL, and Mr. LEAHY):

S. 1020. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am pleased to be joined today by my colleagues, Senator CRAIG, Senator BINGAMAN, Senator MURRAY, Senator FEINGOLD, and Senator KOHL to introduce the Medicare Fairness in Reimbursement Act of 2001. This legislation addresses the terrible unfairness that exists today in Medicare payment policy.

According to the latest Medicare figures, Medicare payments per beneficiary by State of residence ranged from slightly less than \$3,000 to well in excess of \$7,000. For example, in Iowa, the average Medicare payment was \$2,985, nearly 45 percent less than the national average of \$5,364. In Idaho, the average payment is \$3,592, only 66 percent of the national average.

This payment inequity is unfair to seniors in Iowa and Idaho, and it is unfair to rural beneficiaries everywhere. The citizens of my home State pay the same Medicare payroll taxes required of every American taxpayer. Yet they get dramatically less in return.

Ironically, rural citizens are not penalized by the Medicare program because they practice inefficient, high cost medicine. The opposite is true. The low payment rates received in rural areas are in large part a result of their historic conservative practice of health care. In the early 1980's rural States' lower-than-average cost were used to justify lower payment rate, and Medicare's payment policies since that time have only widened the gap between low- and high-cost States.

Two years ago I wrote to the Health Care Financing Administration (HCFA) and I asked them a simple question. I asked their actuaries to estimate for me the impact on Medicare's Trust Funds, which at that time were scheduled to go bankrupt in 2015, if average Medicare payments to all states were the same as Iowa's.

I've always thought Iowa's reimbursement level was low. But HCFA's answer surprised even me. The actuaries found that if all States were reimbursed at the same rate as Iowa, Medicare would be solvent for at least 75 years, 60 years beyond their projections.

I'm not suggesting that all States should be brought down to Iowa's level. But there is no question that the long-term solvency of the Medicare program is of serious national concern. And as Congress considers ways to strengthen and modernize the Medicare program, the issue of unfair payment rates needs to be on the table.

The bill we are introducing today, the Medicare Fairness in Reimbursement Act of 2001 sends a clear signal. These historic wrongs must be righted. Before any Medicare reform bill passes

Congress, I intend to make sure that rural beneficiaries are guaranteed access to the same quality health care services of their urban counterparts.

Our legislation does the following: requires HCFA to improve the fairness of payments under the original Medicare fee-for-services system by adjusting payments for items and services so that no State is greater than 105 percent above the national average, and no State is below 95 percent of the national average. An estimated 31 States would benefit under these adjustments, based on the Health Care Financing Administration's projections of the 1999 payment data.

Requires HCFA to improve the fairness of payments to rural practitioners who bill under Medicare Part B by narrowing the range of the Geographic Payment Classification Indices, GPCIs. Currently, there are dramatic geographic differences in payments for physician services with little scientific data to support the disparity. Providers in rural areas are under-compensated. This act would restrict the range for each GPCI so that no GPCI is greater than 1.05 or less than .95 of the standard index of 1.00. Practitioners who work in rural areas will benefit from this change in geographic adjustments.

It ensures that beneficiaries are held harmless in both payments and services, ensures budget neutrality, and automatically results in adjustment of Medicare managed care payments to reflect increased equity between rural and urban areas.

This legislation simply ensures basic fairness in our Medicare payment policy. I urge my Senate colleagues, no matter what State you're from, to consider our bill and join us in supporting this commonsense Medicare reform.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. CRAIG, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. REED, and Mr. ROBERTS):

S. 1021. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, Senator BIDEN and I are today introducing a bill to reauthorize appropriations for the Tropical Forest Conservation Act of 1998 for the Fiscal Years 2002, 2003 and 2004. We are joined in this effort by Senators CHAFEE, CRAIG, KERRY, LEAHY, LIEBERMAN, MURKOWSKI, REED and ROBERTS.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests regulate the hydrological cycle on which world agriculture depends. The genetic diversity contained in tropical forests is important for plant breeding. Twenty-five percent of prescription drugs come from tropical forests. Tropical forests also serve as carbon sinks, storing carbon to mitigate the potential effects of the in-

crease in greenhouse gases on the world's climate. Avoiding tropical deforestation is essential to mitigating the threat of climate change.

Worldwide, there is a net loss of thirty million acres of forests every year. The heavy debt burden of many developing countries encourages them to engage in unsustainable exploitation of natural resources in order to generate revenue to service external debt. At the same time, these poor governments tend to have few resources available to set aside and protect key areas.

The Tropical Forest Conservation Act addresses the economic pressures on developing countries through "debt for nature" mechanisms that reduce foreign debt while leveraging scarce funds available for international conservation. Specifically, the Act authorizes the President to reduce certain bilateral government debt owed to the United States through three distinct mechanisms: debt buybacks; debt restructuring and reduction; or debt swaps. In return, eligible developing countries with significant tropical forests must establish and place local currencies in tropical forest funds. These funds are managed primarily by local, non-governmental organizations and make grants for projects that are designed to protect or restore tropical forests or to promote their sustainable economic use.

The debt for nature mechanisms in the Act effectively leverage the limited funds available for international conservation. Under the Tropical Forest Conservation Act, the host country places currencies in its tropical forest fund, the value of which typically exceeds the cost to the U.S. Treasury of the debt reduction agreement. Furthermore, because these tropical forest funds have integrity and are broadly supported within the host country, conservation organizations are interested in contributing their own money to them, producing an additional leverage of federal conservation dollars.

Our bill would reauthorize appropriations for the Act for three years, with funding levels of \$50 million in Fiscal Year 2002, \$75 million in Fiscal year 2003 and \$100 million in Fiscal Year 2004.

President Bush has indicated his strong support for the Tropical Forest Conservation Act, which is modeled upon President George Herbert Walker Bush's Enterprise for the Americas program as well as upon the Biden-Lugar Global Environmental Protection Assistance Act of 1989. These programs have helped to foster the development of responsible, community-based conservation organizations that are capable of addressing environmental problems at the local level and ensuring successful program implementation.

The Tropical Forest Conservation Act encourages the repayment of debt owed to the United States government, addresses the cash flow problems of poorer nations, promotes cooperation

between governmental and local conservation organizations and helps to save the world's outstanding tropical forests, which are disappearing at an alarming rate.

It is my understanding that Congressmen ROB PORTMAN and TOM LANTOS are introducing identical legislation in the House of Representatives. Senator BIDEN and I plan to work with our colleagues in the House and Senate toward speedy passage of this three year reauthorization bill.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1021

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF APPROPRIATIONS TO SUPPORT REDUCTION OF DEBT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 AND TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.**

(a) REAUTHORIZATION.—Section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by adding at the end the following new subsection:

“(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section or section 807, there are authorized to be appropriated to the President the following:

“(1) \$50,000,000 for fiscal year 2002.

“(2) \$75,000,000 for fiscal year 2003.

“(3) \$100,000,000 for fiscal year 2004.”.

(b) CONFORMING AMENDMENT.—Section 808(a)(1)(D) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431f(a)(1)(D)) is amended by striking “to appropriated under sections 806(a)(2) and 807(a)(2)” and inserting “to be appropriated under sections 806(a)(2), 807(a)(2), and 806(d)”.

**SUMMARY OF THE TROPICAL FOREST CONSERVATION ACT**

The Tropical Forest Conservation Act of 1998 (Public Law 105-214) helps to protect the world's dwindling tropical forests through “debt for nature swaps.”

The TFCA focuses on tropical forest conservation, using the same principles as the 1989 Global Environmental Protection Act, Biden-Lugar, and former President Bush's Enterprise for the Americas Initiative (EAI). The bill extends eligibility for “Debt for Nature” swaps under the EAI to lower and middle income countries in Africa and Asia with globally or regionally outstanding tropical forests. It authorizes appropriations to compensate the Treasury Department for revenues foregone when debts with poorer developing nations are restructured at less than their asset value.

The Tropical Forest Conservation Act of 1998 authorizes the President to reduce certain bilateral government debt owed to the United States under the Foreign Assistance Act of 1981 or Title 1 of the Agricultural Trade Development and Assistance Act of 1954. In exchange, the eligible developing country would place local currencies in a tropical forest fund, which would be used for projects to preserve, restore or maintain its tropical forests. In some instances, debt swaps would occur at no cost to the Federal Treasury since sovereign debt would simply

be reduced to its asset value under the Federal Credit Reform Act of 1990. In other instances, poorer nations will be allowed to restructure their debt at an amount somewhat lower than its asset value and Federal appropriations would have to be used to compensate the Treasury for reductions in its anticipated revenue stream. The law also allows private organizations to contribute their funds to help facilitate a debt swap under the terms of the bill.

To qualify for assistance, eligible countries must meet the criteria established by Congress under EAI: the government must be democratically elected, must not support acts of international terrorism, must cooperate on international narcotics control matters, must not violate internationally recognized human rights, and must institute any needed investment reforms.

To ensure accountability, an administrative body is established in the beneficiary country. This body will consist of one or more U.S. Government officials, one or more individuals appointed by the recipient country's government, and representatives of environmental, community development, scientific, academic and forestry organizations of the beneficiary country. It is authorized to make grants for projects which would conserve its outstanding tropical forests. Additionally, the existing Enterprise for Americas Initiative Board is expanded by four new members and oversees both the EAI and the Tropical Forest Conservation Act.

The authorization of appropriations for the 1998 Tropical Forest Conservation Act expires at the end of fiscal year 2002. Legislation will be introduced to extend the authorization of appropriations through fiscal years 2002 at a level of \$50,000,000 in FY 2002, \$75,000,000 in FY 2003 and \$100,000,000 in FY 2004.

Mr. BIDEN. Mr. President, I am pleased to once again join my distinguished colleague from Indiana, Senator LUGAR, in introducing legislation to protect the world's significant tropical forests through “debt-for-nature” mechanisms. We have shared a long and fruitful bipartisan relationship on this important issue. I am gratified that we have the bipartisan support of our original cosponsors noted by Senator LUGAR.

Tropical forests are a cornerstone of the global environment. Figuratively speaking, they are the “lungs” of our planet, and they can help to regulate and mitigate the process of climate change. They guide global patterns of rainfall on which agriculture and fisheries depend. They harbor pharmaceutical treasures that we are just beginning to explore. They are home our planet's widest diversity of plants and animals.

We have a responsibility, a duty, to be good stewards of these essential resources, and it is in our direct economic interest to see that they flourish.

In 1989, Senator LUGAR and I coauthored the Global Environmental Protection Assistance Act, which was enacted into law as title VII A of the International Finance and Development Act of 1989 (Public Law 101-240, December 19, 1989). That Act authorized US AID to use its funds for Debt for Nature swaps. Under the authority of this Act, US AID has used \$95 million of its funds to establish environ-

mental endowments totaling \$146 million in Costa Rica, Honduras, Indonesia, Jamaica, Madagascar, Mexico, Panama and the Philippines.

President Bush's Enterprise for the Americas Initiative (EAI), carried forward this linkage between debt reduction and the generation of local funds to protect the environment. The EAI provided \$876 million in debt relief and \$154 million in local endowments at a federal cost of \$90 million in seven countries in Latin America and the Caribbean: Argentina, Bolivia, Chile, Columbia, El Salvador, Jamaica and Uruguay.

The Tropical Forest Conservation Act of 1998 extended the debt for nature mechanism of the EAI to the protection of significant tropical forests in lower and middle income developing countries throughout the world, not just those in Latin America and the Caribbean. Furthermore, the Tropical Forest Conservation Act (TFCA), authorizes the use of two new, no cost “debt-for-nature” models, the Buy Back option and Debt Swap option.

The basic premise behind this series of programs has not changed over the years. Many of the world's important tropical forests are found in countries that do not have the resources to protect them. Their own patterns of economic development and their participation in the international economy place irresistible pressures on them to turn these irreplaceable global resources into quick local cash. One of the important contributors to those pressures is too often the debt those countries owe to us. That is one thing we can do something about.

The mechanisms in this bill will allow us to multiply the small dollar cost of writing the debt of those countries off of our books, leveraging substantially more resources to the cause of preserving tropical forests around the world.

I look forward to taking this bill up in the Foreign Relations Committee as soon as possible, and I fully expect it will continue to enjoy the strong support it has had in the past. I also look forward to working with the Administration to provide the funding that the President has called for to implement this program.

By Mr. WARNER:

S. 1022. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WARNER. Mr. President, today I am pleased to join my colleague in the House of Representatives, Congressman TOM DAVIS, in introducing legislation that will enable Federal and military retirees to take advantage of premium conversion. Premium conversion allows individuals to pay their health insurance premiums with pre-tax dollars.

This tax benefit was extended last year under a Presidential directive to

current Federal employees who participate in the Federal Employees Health Benefits Program, saving an average of over \$400 per year on their Federal income taxes. It is a benefit already available to many private sector employees, and State and local government employees.

Although extending this benefit to Federal annuitants has broad support, it requires a legislative change in the tax laws. The legislation I am introducing today will do just that.

The Federal Employees Health Insurance Premium Conversion Act will provide that the same health insurance premium conversion arrangement afforded to employees in the Executive and Judicial branches of the Federal government, be made available to Federal annuitants.

This year, retirees under the Civil Service Retirement System received a 3.5 percent cost of living adjustment, and those who receive an annuity under the Federal Employees Retirement System received a 2.5 percent adjustment.

This increase in benefits is nearly offset by severe increases in FEHB premiums. In 2000, health premiums increased by an average of 9.3 percent. The Office of Personnel Management reports that a similar increase is expected again this year.

I am deeply concerned about increases in Federal Employee Health Benefit premiums in recent years. Health care coverage is provided to over 9 million Federal employees, retirees and their families under FEHBP. Ensuring affordable health care coverage for all Federal employees and their dependents must remain a priority for Congress.

In addition, I am pleased that this bill will also allow uniformed services retiree beneficiaries, their family members and survivors to pay their TRICARE Prime enrollment fees and TRICARE Standard supplemental insurance premiums with pre-tax dollars. TRICARE Standard supplemental insurance premiums paid by active duty personnel are also covered by the legislation which allows for an above the line deduction to benefit active duty personnel and their families.

This is a critical issue to many retirees, especially those living on a fixed income. Extending premium conversion will provide much needed relief from the increasing cost of health care insurance. It will help to ensure that more Federal retirees are able to afford continued coverage under the Federal Employees Health Benefits program.

I encourage my colleagues to support this critical legislation and show their support of these Federal civilian and military retirees for their dedicated service. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.**

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

“(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

“(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

“(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits program established by chapter 55 of title 10, United States Code.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 2. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.**

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

**“SEC. 223. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.**

“(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

“(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).”

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting after paragraph (18) the following new paragraph:

“(19) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 223.”

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

“Sec. 223. TRICARE supplemental premiums or enrollment fees.

“Sec. 224. Cross reference.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SENATE RESOLUTION 109—DESIGNATING THE SECOND SUNDAY IN THE MONTH OF DECEMBER AS “NATIONAL CHILDREN'S MEMORIAL DAY” AND THE LAST FRIDAY IN THE MONTH OF APRIL AS “CHILDREN'S MEMORIAL FLAG DAY”**

Mr. REID (for himself, Mr. EDWARDS, Mrs. MURRAY, and Mr. CLELAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 109

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

*Resolved,*

**SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY AND CHILDREN'S MEMORIAL FLAG DAY.**

The Senate—

(1) designates the second Sunday in the month of December as “National Children's Memorial Day” and the last Friday in the month of April as “Children's Memorial Flag Day”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe “National Children's Memorial Day” with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died; and

(B) fly the Children's Memorial Flag on “Children's Memorial Flag Day”.

Mr. REID. Mr. President, I rise today to submit a resolution which would designate the second Sunday in December as “National Children's Memorial Day.” The resolution would set aside this day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

The Senate has passed a resolution for each of the past three years to designate the second Sunday in December as “National Children's Memorial Day.” This year, the resolution I am introducing would establish this day as an annual observance. The parents and family members of the children who have died deserve the comfort of knowing that they will always have a special day set aside to honor the memory of their loved ones.

The death of a child at any age is a shattering experience for a family. I have had many constituents share



their heart-wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in working through their grief. It is important to families who have suffered such loss to know that they are not alone.

In addition, this year, I have added a provision to designate the fourth Friday in April as "National Children's Memorial Flag Day" in recognition of children who have died as a result of violence. April has been designated as National Child Abuse Prevention Month, an annual tradition started by President Jimmy Carter in 1979. Many State and local governmental agencies and private organizations already fly the Children's Memorial Flag on the fourth Friday in April to remember children lost to violence. Recognizing this day is another way we can commemorate the lives of children.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 797. Mr. HAGEL (for himself, Mr. CAMPBELL, and Mr. KYL) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 798. Mr. HOLLINGS proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

SA 799. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

#### TEXT OF AMENDMENTS

**SA 797.** Mr. HAGEL (for himself, Mr. CAMPBELL, and Mr. KYL) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

##### "5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

##### "SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The Federal Government's unique and continuing trust relationship with and responsibility to the Indian people includes the education of Indian Children.

"(2) Since 1950, the Federal Government has also recognized an obligation to support the education of children whose parents serve our Nation in the military and with other Federal agencies.

"(3) The Federal Government has responsibility for the operation and financial support

of the Bureau of Indian Affairs funded school system that the Federal Government has established on or near reservations and Indian trust lands throughout the Nation for Indian children.

"(4) The Federal Government has responsibility for providing financial support for Federally Impacted schools throughout the Nation.

"(5) The Federal Government is the sole funding source of 185 elementary and secondary schools operated by the Bureau of Indian Affairs for the education of American Indian children on reservations throughout the United States.

"(6) The Federal Government is a significant source of funding for the elementary and secondary schools that receive Impact Aid.

"(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

"(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over \$2,000,000,000.

"(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

"(1) school construction bond programs or school renovation bond programs; or

"(2) amounts provided for school construction or renovation under—

"(A) title VIII of the Elementary and Secondary Education Act of 1965;

"(B) any program administered by the Bureau of Indian Affairs, or the Secretary of the Interior for the benefit of Indians; or

"(C) any program administered by the Secretary of Defense with respect to schools within the jurisdiction of the Department of Defense."

**SA 798.** Mr. HOLLINGS proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 47, after line 12, insert the following: "(i)(I) A State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

"(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

"(bb) the State can demonstrate the presence of a comparable assessment system;

"(II) a waiver under subclause (I) shall be for a period of 1 year;

"(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined in the plan of the State under section 1111(b)(2)(B), to—

"(aa) increase teacher pay;

"(bb) implement teacher recruitment and retention programs;

"(cc) reduce class size;

"(dd) hire additional teachers to reduce class sizes;

"(ee) improve school facilities;

"(ff) provide afterschool programs;

"(gg) tutor students;

"(hh) increase the access of students to technology;

"(ii) improve school safety; or

"(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

"(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school;"

**SA 799.** Mr. GREGG (for Mr. SANTORUM) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following: "SEC.

##### SEC. . SENSE OF THE SENATE.

"It is the sense of the Senate that—

"(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

"(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled for Thursday, June 14, at 9:30 a.m., in SD-106, has been postponed. The purpose of the hearing was to receive testimony on potential problems in the gasoline markets this summer. The hearing has not been rescheduled at this time.

For further information, please call Shirley Neff at 202/224-4103.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 12, 2001, to hear testimony on Preserving and Protecting our Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Jonathan McIlwain and Brittni Aldridge, summer interns in my office, be granted

the privilege of the floor for the remainder of today's debate on S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, JUNE 13, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m., Wednesday, June 13. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1, the education authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, on Wednesday the Senate will convene at 9 a.m. and resume consideration of the education authorization bill. There will be 40 minutes of debate on the Santorum and Hollings amendments concurrently. Therefore, there will be two rollcall votes beginning at approximately 9:40 a.m. Additional rollcall votes are expected as the Senate works to complete action on the education bill this week.

I further state, as I did a short time ago, that we are working to complete this bill on Thursday. If we do, there will be no votes, I am told by Leader DASCHLE, on Friday. If we are not able to complete this bill on Thursday, we will complete work on it when we do; that is, it may be Friday or Saturday.

#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate tonight, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:54 p.m., adjourned until Wednesday, June 13, 2001, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 12, 2001:

##### DEPARTMENT OF DEFENSE

MICHAEL MONTELONGO, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE ROBERT F. HALE.

REGINALD JUDE BROWN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE PATRICK T. HENRY.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE HERBERT LEE BUCHANAN III.

ALBERTO JOSE MORA, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE STEPHEN W. PRESTON.

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE JAMES M. BODNER.

MICHAEL W. WYNNE, OF FLORIDA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE DAVID R. OLIVER.

DIONEL M. AVILES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DEBORAH P. CHRISTIE, RESIGNED.

##### DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE NANCY E. MCFADDEN.

##### DEPARTMENT OF STATE

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

DONALD J. MCCONNELL, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH: FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF COMMERCE

STEPHEN K. MORRISON, OF CALIFORNIA

##### AGENCY OF INTERNATIONAL DEVELOPMENT

WILLIAM MICHAEL CARTER, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF COMMERCE

NASIR ABBASI, OF MARYLAND  
JOHN T. LANCIA, OF PENNSYLVANIA  
ELLEN D. LENNY-PESSAGNO, OF TEXAS  
JOHN M. MCCASLIN, OF OHIO  
DAVID R. MCNEILL, OF TENNESSEE  
DAVID B. PONSAR, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF COMMERCE

CHRISTOPHER B. ADAMS, OF CALIFORNIA  
REBECCA K.P. ARMAND, OF FLORIDA  
SCOTT A. SHAW, OF ILLINOIS

##### DEPARTMENT OF STATE

JILL AHEARN SYKES, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF STATE

KELLY ADAMS-SMITH, OF NEW JERSEY  
STEVEN P. ADAMS-SMITH, OF NEW JERSEY  
STEPHEN J. AKARD, OF INDIANA  
SALVATORE ANTONIO AMODEO, OF VIRGINIA  
ROXANNE CABRAL, OF VIRGINIA  
MARK MINGE CAMERON, OF ALABAMA  
ANGELA COLYVAS, OF PENNSYLVANIA  
R. SEAN COOPER, OF CALIFORNIA  
SUSANNAH E. COOPER, OF MAINE  
COLIN THOMAS ROBERT CROSBY, OF OHIO  
CYNTHIA C. ECHEVERRIA, OF ILLINOIS  
ALAN EYRE, OF VIRGINIA  
ANTHONY C. FERNANDES, OF MASSACHUSETTS  
ERIC A. FICHTE, OF VIRGINIA  
KATHRYN LAURA FLACHSBART, OF CALIFORNIA  
KIM M. GENDIN, OF FLORIDA  
ALI JALILI, OF VIRGINIA  
DANIEL P. JASSEM, OF COLORADO  
THOMAS TAN JUNG, OF WASHINGTON  
DAVID JOSEPH JURAS, OF KENTUCKY  
KIMBERLY A. KARSIAN, OF COLORADO  
ALEXANDER I. KASANOF, OF NEW YORK  
RIMA KOYLER, OF PENNSYLVANIA  
MICHAEL J. MA, OF VIRGINIA  
LAURA A. MALENAS, OF MARYLAND  
PETER G. MARTIN, OF MASSACHUSETTS  
DANA CHRISTIAN MURRAY, OF FLORIDA  
KIRBY D. NELSON, OF IDAHO  
MAI-THAO T. NGUYEN, OF TEXAS  
QUI NGUYEN, OF CALIFORNIA  
GEORGE ARTHUR NOLL, OF RHODE ISLAND  
BRIAN JAY O'ROURKE, OF NEW MEXICO  
BARTON J. PUTNEY, OF WISCONSIN  
LYNGRIDI SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA  
MITCHELL R. SCOGGINS, OF NORTH CAROLINA  
KIRK G. SMITH, OF WASHINGTON  
WILLIAM A. TARVER, OF LOUISIANA  
MARC HERVERT WILLIAMS, OF NEVADA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CON-

SULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NANCY ELIZABETH ABELLA, OF VIRGINIA  
LANE DARNELL BAHL, OF WASHINGTON  
KAY GILBRECH BARTON, OF TEXAS  
KRISTIN BONGIOVANNI, OF WASHINGTON  
DENA D. BROWNLOW, OF CALIFORNIA  
ERIN M. BUTLER, OF WASHINGTON  
CAROL-ANNE CHANG, OF VIRGINIA  
DARYL L. CHERNOFF, OF MARYLAND  
DWAYNE L. CLINE, OF THE DISTRICT OF COLUMBIA  
CHRISTOPHER M. CUMMINGS, OF VIRGINIA  
PETER N. D'AMICO, OF MAINE  
JAMES G. DAVIDSON, OF MARYLAND  
JACK DOUTRICH, OF WASHINGTON  
LAWRENCE E. DUCKETT, OF MARYLAND  
DIANA J. ELLIOTT, OF NEVADA  
AARON P. FORSBERG, OF OREGON  
STEPHEN J. GEE, OF OHIO  
KAREN ELIZABETH GRISSETTE, OF CALIFORNIA  
KEVIN A. HAINES, OF VIRGINIA  
BRYCE A. ISHAM, OF WASHINGTON  
MANAV JAIN, OF CALIFORNIA  
OMID KHONSARI, OF VIRGINIA  
MICHELLE KRAMER, OF VIRGINIA  
PAUL WILLIAM KREUTZER, OF MARYLAND  
CYNTHIA Z. LAO, OF THE DISTRICT OF COLUMBIA  
GONG LI, OF VIRGINIA  
MATTHEW WILLIAM LONG, OF MASSACHUSETTS  
STELLA C. LUTTER, OF FLORIDA  
KATHERINE M. MCGOWEN, OF ALASKA  
MARLENE MARIE MENARD, OF TEXAS  
MATTHEW CHRISTIAN MILLER, OF VIRGINIA  
HECTOR NAVA, OF TEXAS  
TODD NICHOLSON, OF VIRGINIA  
HEATHER L. NOSS, OF CALIFORNIA  
MATTHEW O'CONNOR, OF VIRGINIA  
CRAIG OLSON, OF VIRGINIA  
SAPNA J. PATEL, OF CALIFORNIA  
DEBORAH A. PLUNKETT, OF MASSACHUSETTS  
FRANCES J. PULEO, OF VIRGINIA  
ANNELIESE LOUISE REINEMEYER, OF TEXAS  
HUGO F. RODRIGUEZ JR., OF TEXAS  
CLAUDIA RODRIGUEZ-HALL, OF VIRGINIA  
KAMANA MATHUR ROMERO, OF TEXAS  
LORIE A. ROULE, OF THE DISTRICT OF COLUMBIA  
AMY B. SCANLON, OF VERMONT  
LORELEI G. SCHWEICKERT, OF CALIFORNIA  
NOMI E. SELTZER, OF NEW YORK  
JANINE SHORS, OF CALIFORNIA  
BRIAN LEROY SIMMONS, OF NEVADA  
SCOTT ANDREW STEPEN, OF NEW YORK  
JULIE A. STINEHART, OF WYOMING  
DOUGLAS LEE SUN, OF MASSACHUSETTS  
MICHAEL D. SWEENEY, OF CALIFORNIA  
CATHERINE ELIZABETH SWEET, OF CALIFORNIA  
LAWRENCE A. THOMAS, OF VIRGINIA  
MICHAEL DAVID TOYRYLA, OF CALIFORNIA  
LUCIA CLELIA VERRIER, OF NEW HAMPSHIRE  
ELIZABETH ELLEN WILSON, OF NEW JERSEY  
DONNA LURLINE WOOLF, OF THE DISTRICT OF COLUMBIA  
JOSEPH LAURENCE WRIGHT II, OF FLORIDA

##### GENERAL SERVICES ADMINISTRATION

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION, VICE WILLIAM R. BARTON, RESIGNED.

##### DEPARTMENT OF LABOR

JOHN LESTER HENSHAW, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE CHARLES N. JEFFRESS.

##### DEPARTMENT OF EDUCATION

LAURIE RICH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION, VICE G. MARIO MORENO, RESIGNED.

##### DEPARTMENT OF JUSTICE

JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION, VICE DORIS MEISSNER, RESIGNED.

ASA HUTCHINSON, OF ARKANSAS, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT, VICE DONNIE R. MARSHALL, RESIGNED.

##### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. EDWARD L. CORREA JR., 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. PATRICIA A. TRACEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0000

REAR ADM. (LH) JOSE L. BETANCOURT, 0000  
 REAR ADM. (LH) ANNETTE E. BROWN, 0000  
 REAR ADM. (LH) JOSEPH D. BURNS, 0000  
 REAR ADM. (LH) BRIAN M. CALHOUN, 0000  
 REAR ADM. (LH) KEVIN J. COSGRIFF, 0000  
 REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000  
 REAR ADM. (LH) TERRANCE T. ETNYRE, 0000  
 REAR ADM. (LH) MARK P. FITZGERALD, 0000  
 REAR ADM. (LH) JONATHAN W. GREENER, 0000  
 REAR ADM. (LH) CURTIS A. KEMP, 0000  
 REAR ADM. (LH) ANTHONY W. LENGERRICH, 0000  
 REAR ADM. (LH) WALTER B. MASSENBURG, 0000  
 REAR ADM. (LH) JAMES K. MORAN, 0000  
 REAR ADM. (LH) CHARLES L. MUNNS, 0000  
 REAR ADM. (LH) RICHARD B. PORTERFIELD, 0000  
 REAR ADM. (LH) JAMES A. ROBB, 0000  
 REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000  
 REAR ADM. (LH) STEVEN J. TOMASZESKI, 0000  
 REAR ADM. (LH) JOHN W. TOWNES III, 0000  
 REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000  
 REAR ADM. (LH) CHARLES B. YOUNG, 0000  
 REAR ADM. (LH) THOMAS E. ZELIBOR, 0000

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be colonel

JAMES E. GELETA, 0000  
 SCOTT H. MCCRAE, 0000  
 GARY S. OWENS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be colonel

FLOYD E. BELL JR., 0000  
 JAMES R. CALLAHAN, 0000  
 MICHAEL E. CHILSON, 0000  
 LINDA P. HIGGINS, 0000  
 THOMAS E. SCHUURMANS, 0000  
 STEVEN N. WICKSTROM, 0000

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

DONALD E. GRAY JR., 0000

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

#### To be first lieutenant

JESSICA L. ACOSTA, 0000  
 MICHAEL J. ACOSTA, 0000  
 CHANCE J. ADAM, 0000  
 OLUFUNMIKE F. ADEYEMI, 0000  
 CHRISTOPHER W. ADKINS, 0000  
 ALISON L. AKE, 0000  
 BARIMA K. AKOASARE, 0000  
 PAUL C. ALANIZ, 0000  
 ARCELIO ALBIZO, 0000  
 IAN F. ALLEN, 0000  
 ROBERT J. ALLEN, 0000  
 BRETT A. ALLISON, 0000  
 JOSE E. ALMAZAN, 0000  
 BRIAN J. AMEND, 0000  
 BRETT D. AMERSON, 0000  
 BRADLEY W. ANDERSON, 0000  
 JOSHUA D. ANDERSON, 0000  
 KAREN A. ANDERSON, 0000  
 SETH E. ANDERSON, 0000  
 STEVEN S. ANDREWS, 0000  
 ROBERT G. ANTOLINS, 0000  
 AARON P. ANTRIM, 0000  
 ANTHONY D. APIA, 0000  
 ANTHONY J. ARAZON, 0000  
 STEPHANIE R. ARNDT, 0000  
 JAMIE S. ARNOLD, 0000  
 MICHAEL F. ARNONE, 0000  
 JUAN I. ARRATIA, 0000  
 ERIC M. ASCHENBRENNER, 0000  
 JENNIFER L. ASH, 0000  
 RICHARD B. ASHFORD, 0000  
 IOANIS S. ATHANASIADIS, 0000  
 CHARLES T. ATWOOD, 0000  
 DAVID L. ATWOOD, 0000  
 PAUL D. AVELLINO, 0000  
 TYSON M. AVELLY, 0000  
 TERESA L. AYERS, 0000  
 REBECCA M. BAAS, 0000  
 VICTOR G. BACA, 0000  
 BRIAN A. BAGWAN, 0000  
 JAMES R. BAILEY, 0000  
 CHARLES T. BAISLEY, 0000  
 ANGIE L. BAKER, 0000  
 MICHAEL T. BAKER, 0000  
 SAMUEL BAKON, 0000  
 MATTHEW A. BALDASSIN, 0000  
 MATTHEW A. BALDWIN, 0000  
 THOMAS N. BALL, 0000  
 DUSTIN K. BALLARD, 0000  
 GEORGE A. BANCROFT, 0000  
 BROOK W. BARBOUR, 0000  
 MARTIN T. BARCO, 0000  
 JAMES T. BARDO, 0000  
 CARLOS M. BARELA, 0000  
 REBECCA D. BARGER, 0000  
 TYRRELL L. BARGER, 0000  
 ERIN M. BARKER, 0000  
 FRANCIS G. BARKER JR., 0000  
 JEFFERY D. BARKER, 0000  
 JEFFREY V. BARNETT, 0000  
 STEFAN R. BARR, 0000  
 RAYMOND J. BARRIOS JR., 0000  
 MICHAEL J. BARTHLOW, 0000  
 GENE D. BARTON, 0000  
 ROBLEY D. BATES IV, 0000  
 DAX C. BATTAGLIA, 0000  
 JEFFREY D. BAUER, 0000  
 MICHAEL T. BAUMGARDNER, 0000  
 JOHN S. BAXTER, 0000  
 MATTHEW H. BAZARIAN, 0000  
 JAMES C. BEARDSLEY, 0000  
 CHARLES Q. BEATTY, 0000  
 JAMES J. BEAUREGARD, 0000  
 JEREMY W. BEAVEN, 0000  
 JAMES M. BECHTEL, 0000  
 HASSAN C. BECKFORD, 0000  
 JAY P. BENSON, 0000  
 JASON T. BERG, 0000  
 JOHN T. BERGER, 0000  
 DAVID M. BERNARD, 0000  
 PIERRE R. BERTRAND, 0000  
 AMY S. BEVAN, 0000  
 JOSEPH T. BEVAN, 0000  
 ELIZABETH A. BIBLE, 0000  
 JOSHUA P. BIDDLE, 0000  
 JAMES S. BIRGL, 0000  
 MATTHEW R. BLACK, 0000  
 CINDIEMARI BLAIR, 0000  
 EDWARD Y. BLAKISTON, 0000  
 JAMES A. BLANFORD, 0000  
 TOM R. BLANKENHORN, 0000  
 JERRY W. BLOOMQUIST, 0000  
 CHARLES J. BLUME, 0000  
 SPENCER O. BODISON, 0000  
 CHRISTOPHER J. BOESE, 0000  
 DAVID A. BOGLE, 0000  
 JAMES A. BOHLMAN, 0000  
 GABRIEL A. BOLTON, 0000  
 ANDREW C. BONE, 0000  
 JENNIFER M. BONE, 0000  
 VINCENT K. BONG, 0000  
 DEBORAH L. BORNHORST, 0000  
 JASON A. BOROVIES, 0000  
 MARK D. BORTNEM, 0000  
 JON P. BOURDON, 0000  
 JOSEPH D. BOUSHELLE, 0000  
 JOHN C. BOWES, 0000  
 SCOTT M. BOWMAN, 0000  
 RYAN F. BOYLE, 0000  
 SEAN C. BOYNTON, 0000  
 NAOMI A. BOYUM, 0000  
 JAMES H. BRADY, 0000  
 TIMOTHY S. BRADY JR., 0000  
 MICHAEL A. BRAGG, 0000  
 THOMAS M. BRAIN, 0000  
 CLARK J. BRAMANTE, 0000  
 CHRISTOPHER W. BRANCH, 0000  
 RONALD BRAND, 0000  
 STEVEN R. BRAND, 0000  
 CHRISTOPHER M. BRANNEN, 0000  
 ANDREW J. BRASOSKY, 0000  
 KEVIN H. BRIGHT, 0000  
 LEONEL O. BRITO JR., 0000  
 TRAVIS K. BRITTAIN, 0000  
 MARK J. BROEKHUIZEN, 0000  
 IAN P. BROOKS, 0000  
 JEFFREY T. BROOKS, 0000  
 MICHAEL L. BROOKS, 0000  
 JOSEPH D. BROOME, 0000  
 CHRISTOPHER L. BROWN, 0000  
 JEFFREY D. BROWN, 0000  
 JERRY BROWN JR., 0000  
 JONATHAN P. BROWN, 0000  
 MARK C. BROWN, 0000  
 MATTHEW A. BROWN, 0000  
 MAURICE A. BROWN, 0000  
 DESMOND F. BROWNE JR., 0000  
 THOMAS A. BROWNE JR., 0000  
 GILDA M. BUCHAN, 0000  
 MATHEW J. BUCHER, 0000  
 MARK D. BUCZEK, 0000  
 ARMANDO C. BUDOMO JR., 0000  
 ROBERT M. BUENO, 0000  
 BENEDICT G. BUERKE, 0000  
 JEFFREY H. BUFFA, 0000  
 ALEXANDER D. BURCH, 0000  
 ASHLEY K. BURCH, 0000  
 MARCO A. BURGOS, 0000  
 DOUGLAS R. BURKE JR., 0000  
 JOSEPH P. BURKE, 0000  
 JOSEPH P. BURKE, 0000  
 EDWARD L. BURNS V, 0000  
 WILLIAM J. BURRACK, 0000  
 DAMON K. BURROWS, 0000  
 ROBERT L. BURTON, 0000  
 MICHAEL T. BUTLER, 0000  
 DUSTIN J. BYRUM, 0000  
 MICHAEL T. CABLE, 0000  
 ANDRES H. CACERESSOLARI, 0000  
 DAVID F. CALDWELL II, 0000  
 JOHN O. CALDWELL, 0000  
 STEPHEN R. CALDWELL, 0000  
 SEAN M. CALLAHAN, 0000  
 ERNEST F. CALVILLO, 0000  
 STEPHEN T. CAMPBELL, 0000  
 ROBERT L. CANNERY, 0000  
 CHRISTOPHER K. CANNON, 0000  
 CHRISTIAN M. CAPOCE, 0000  
 MATTHEW P. CAPODANNO, 0000  
 GREGORY S. CARL, 0000  
 ROBERT E. CARLSON JR., 0000  
 SCOTT V. CARPENTER, 0000

BRADFORD R. CARR, 0000  
 JOHN S. CARRICO, 0000  
 BERT W. CARRIER JR., 0000  
 JEFFREY F. CARROLL, 0000  
 MICHAEL G. CARTER, 0000  
 NICOLA J. CARUSO, 0000  
 RICHARD A. CARY, 0000  
 ANDREW A. CASTIGLIONE, 0000  
 JOHN C. CATANZARITO, 0000  
 ROBERT E. CATO II, 0000  
 PETER J. CAZAMIAS, 0000  
 ANTONIO O. CENTENO, 0000  
 MICHAEL E. CERES, 0000  
 KAREN M. CERINO, 0000  
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 JOSHUA P. CHADWICK, 0000  
 PAUL K. CHAMBERLAIN, 0000  
 CONAN H. CHANG, 0000  
 JOSHUA B. CHARTIER, 0000  
 JOE D. CHATMAN, 0000  
 JOHN CHAU, 0000  
 SIU K. CHENG, 0000  
 DARREL L. CHOAT, 0000  
 LISA M. CHRISTENSON, 0000  
 DANNY S. CHUNG, 0000  
 THOMAS CHUNG, 0000  
 CHARLES S. CISNEROS, 0000  
 JON W. CLANTON JR., 0000  
 LEE K. CLARE, 0000  
 EARL R. CLARK, 0000  
 SAM A. CLARK, 0000  
 STACY W. CLARK, 0000  
 BRETT B. CLARKE, 0000  
 THOMAS J. CLEAVER, 0000  
 ROBERT T. CLEMENS, 0000  
 BRYAN S. CLIFTON, 0000  
 ADAM B. CLOSE, 0000  
 DENNIS F. COBB JR., 0000  
 EMMETT S. COLLAZO, 0000  
 ADAM L. COLLIER, 0000  
 MATTHEW E. COLLINS, 0000  
 ARNALDO L. COLON, 0000  
 LOUIS COLTER, 0000  
 LEAH L. CONLEY, 0000  
 MICHAEL J. CONLEY, 0000  
 CRAIG C. CONNELL II, 0000  
 STEPHEN L. CONTEAGUERO, 0000  
 AARON J. CONTRERAS, 0000  
 MATTHEW W. COOK, 0000  
 WARREN C. COOK JR., 0000  
 BRIAN J. COOKE, 0000  
 EDWARD C. COOPER, 0000  
 TIMOTHY J. COOPER, 0000  
 SCOTT A. CORMIER, 0000  
 BRYAN E. CORNELIUS, 0000  
 EDUARDO CORREA, 0000  
 EMILIO CORTES III, 0000  
 THOMAS C. CORZINE, 0000  
 LEONARD J. COULMAN, 0000  
 FRED G. COURTNEY III, 0000  
 MARK E. COVER, 0000  
 DAVID C. COX, 0000  
 JASON R. COX, 0000  
 CLAYTON A. CRAIG, 0000  
 JOSEPH W. CRANDALL, 0000  
 ANTHONY B. CRAWFORD, 0000  
 ROBERT J. CRAWFORD JR., 0000  
 WILLIAM R. CREAMER, 0000  
 MICHAEL J. CRITCHLEY, 0000  
 MATTHEW W. CROCKER, 0000  
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 MELISSA L. CROSSON, 0000  
 DEREK M. CROUSORE, 0000  
 ROBERTO CUEVAS, 0000  
 STEVEN R. CUNNINGHAM, 0000  
 BRUCE A. CUPIT JR., 0000  
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 NATHAN S. CUTLER, 0000  
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 KEVIN O. DAVIS, 0000  
 LANCE C. DAVIS, 0000  
 ROBERT N. DAVY, 0000  
 MICHAEL J. DEARDORFF, 0000  
 JOHN S. DEFOREST, 0000  
 ERICH O. DELAVEGA, 0000  
 BRIETTA L. DELMANZO, 0000  
 MICHAEL P. DELPALAZZO, 0000  
 JEREMY S. DEMOTT, 0000  
 BRIAN P. DENNIS, 0000  
 DAVID J. DESY, 0000  
 PAUL J. DETAR, 0000  
 THOMAS E. DETRIQUET, 0000  
 MICHAEL A. DETTORE, 0000  
 JEREMY G. DEVEAU, 0000  
 KEVIN B. DEWITT, 0000  
 MICHAEL S. DIAMOND, 0000  
 BRIAN M. DIBB, 0000  
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 JOHN L. DILLON, 0000  
 JEFFREY A. DINGMAN, 0000  
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 DEREK J. DIORIO, 0000  
 ANDREW C. DIRKES, 0000  
 BRIAN A. DIXON, 0000  
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 KENNETH P. DOLAN, 0000  
 ERIC P. DOMINJANNI, 0000

CHRISTOPHER P DONNELLY, 0000  
 JASON E DONOVAN, 0000  
 JAMES S DORLON, 0000  
 JONATHAN A DOUDNA, 0000  
 CHARLES B DOUGHTY, 0000  
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 HAROLD E DOWLING JR., 0000  
 JAMES L DRUERY, 0000  
 JARED R DUFF, 0000  
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 MELISSA A DUNLAP, 0000  
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 JOHN P DUVAL JR., 0000  
 JEFFREY L DYAL, 0000  
 SEAN P DYNAN, 0000  
 JULIE R EASTLAND, 0000  
 KELLEY A EBY, 0000  
 GREGORY M ECKHART, 0000  
 RANDOLPH EDWARDS, 0000  
 KYLE J EGGERT, 0000  
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 JOHN L ELCOCK, 0000  
 THOMAS E ELDERS, 0000  
 SEAN M ELWARD, 0000  
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 TY J ERICKSEN, 0000  
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 JACOB O EVANS, 0000  
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 MICHAEL C EVANS, 0000  
 WADE E EVANS, 0000  
 MATTHEW R EWING, 0000  
 ROY H EZZELL III, 0000  
 PETER F FAETH, 0000  
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 ANN P FERRIS, 0000  
 DAIL T FIELDS, 0000  
 ANDREW W FIER, 0000  
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 AMY S FILIPOVICH, 0000  
 DALE E FINCKE JR., 0000  
 RYAN M FINN, 0000  
 NEAL V FISHER, 0000  
 BRADLEY R FITZPATRICK, 0000  
 ROBERT E FLANNERY, 0000  
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 MAXX GODSEY, 0000  
 JUSTIN E GOERING, 0000  
 DAVID R GOLDSTEIN, 0000  
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 MARK A GONSOLIN, 0000  
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 DELANEY M HENRETTY, 0000  
 TERRANCE P HENRY, 0000  
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 RUDOLFO G HERNANDEZ, 0000  
 DONALD J HEROD, 0000  
 JOHN S HERWICK III, 0000  
 BRENT E HEYL, 0000  
 JAMES P HICKEY JR., 0000  
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 CHARLES W HILL, 0000  
 GARY E HILL, 0000  
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 MATTHEW P HOH, 0000  
 JONATHAN C HOLDER, 0000  
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 NICOLE S HOLLOWAY, 0000  
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 MARK T HULSEY, 0000  
 BRIAN E HUTCHERSON, 0000  
 MARC C HUTCHESON, 0000  
 JACQUELYN K HUTSON, 0000  
 DAVID C HYMAN, 0000  
 ROBERTO L IBARRA, 0000  
 LEON R INGLERIGHT IV, 0000  
 RAQUEL M INMAN, 0000  
 LOUIS E ISABELLE, 0000  
 KHIEM JACKSON, 0000  
 TRAVIS D JACKSON, 0000  
 GREGORY S JACOB, 0000  
 GEORGE B JACOBS, 0000  
 JOHN J JAMES, 0000  
 JAMES L JANAY, 0000  
 GRANT J JANCICS, 0000  
 ALLAN G JASTER, 0000  
 JASON A JELOVICH, 0000  
 ADAM B JENKINS, 0000  
 CHARLES D JENNINGS, 0000  
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 ALONZO J JONES III, 0000  
 GREGORY L JONES, 0000  
 JOHNNIE D JONES JR., 0000  
 QUINTIN D JONES, 0000  
 RANDALL K JONES, 0000  
 STEPHEN T JONES, 0000  
 YVONNE M JONES, 0000  
 GREGORY K JOSEPH, 0000  
 JOEL D JOWERS, 0000  
 SEAN P JOYCE, 0000  
 BRIAN P JUAIRE, 0000  
 COLLEEN M JUDD, 0000  
 MICHAEL JYLKKA, 0000  
 BRIAN M KACZOROWSKI, 0000  
 ALLEN A KAGEN, 0000  
 JAY J KAJIS, 0000  
 HEATH M KALLAM, 0000  
 IVAN D KASANOF, 0000  
 DENNIS J KASKOVICH JR., 0000  
 RYAN A KASPAR, 0000  
 JOSEPH A KATZ, 0000  
 BRIAN E KAVENEY, 0000  
 HENRY H KAYSER, 0000  
 JANEK C KAZMIERSKI, 0000  
 JONATHAN R KEHR, 0000  
 JAMES D KEITH, 0000  
 ANDREW M KELLEY, 0000  
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 AMY A KELLSTRAND, 0000  
 SCOTT J KELLY, 0000  
 SETH J KELLY, 0000  
 JASON L KENDALL, 0000  
 WESLEY J KENYON, 0000  
 ANTHONY A KERCH, 0000  
 JAROD A KESSELRING, 0000  
 MATTHEW J KESSLER, 0000  
 WAHEED U KHAN, 0000  
 JOSHUA M KIHNIE, 0000  
 JADEN J KIM, 0000  
 KENNETH S KIM, 0000  
 ROGER J KIMMEL, 0000  
 BEN E KING, 0000  
 ROBERT P KINNEY III, 0000  
 GARY R KIPE, 0000  
 BENJAMIN K KIRBY, 0000  
 JOHN P KIRBY, 0000  
 WILLIAM C KIRBY, 0000  
 ALBERT T KIRTON, 0000  
 JERRY M KLEBER, 0000  
 VINCENT A KNAPP, 0000  
 JONATHAN D KNOTTS, 0000  
 JAMES H KOEHLER, 0000  
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 MICHAEL W KOSTIW, 0000  
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 SARAH F KOWALSKI, 0000  
 ROBERT P KOZLOSKI, 0000  
 PAMELLA J KOZLOWSKI, 0000  
 JOSEPH P KREIT JR., 0000  
 NATHAN S KRICK, 0000  
 BENJAMIN S KRIPPENDORF, 0000  
 ANTHONY G KROCKEL, 0000  
 KEITH H KROOVETER, 0000  
 CORRINE S KRUEGER, 0000  
 ERICH W KRUMREY JR., 0000  
 KEVIN K KUGINSKIE, 0000  
 DENNIS M KUHIL, 0000  
 TIMOTHY A KULL, 0000  
 TRAVIS R KUNDEL, 0000  
 MICHAEL F KUTSOE, 0000  
 JAMES V KYKER, 0000  
 JOSEPH D LABARBERA, 0000  
 MABEL A LAI, 0000  
 JOHN C LAMIRAND, 0000  
 GREGORY H LANCASTER, 0000  
 JEFFREY A LANDIS, 0000  
 PETER J LANG II, 0000  
 ALEJANDRO M LANA, 0000  
 KEVIN S LANGLEY, 0000  
 NATHAN C LANGM, 0000  
 MATTHEW W LANKENAU, 0000  
 CHADCLAY LANKFORD, 0000  
 ANDREW K LARSEN, 0000  
 RICHARD E LAWLER, 0000

TAI D LE, 0000  
 RYAN C LEAMAN, 0000  
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 KARA L LECKER, 0000  
 BRADLEY M LEDBETTER, 0000  
 ISAAC G LEE, 0000  
 JAMES E LEE, 0000  
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 WILLIAM J LENNON JR., 0000  
 JESUS N LEON JR., 0000  
 WILLIAM C LEONHARDT, 0000  
 JAMES A LESTER, 0000  
 BENOIT M LETENDRE, 0000  
 ADAM LEVINE, 0000  
 CARL A LEWANDOWSKI, 0000  
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 KEITH J LININGTON, 0000  
 KEVIN A LIPSKI, 0000  
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 ROBERT E LODER, 0000  
 PETER M LOERA, 0000  
 DANIEL A LOFTIN, 0000  
 JOHN K LOFTIN IV, 0000  
 CHRISTIAN W LOFTIS, 0000  
 CHARLES J LOLLAR, 0000  
 KEVIN J LOLLMANN, 0000  
 JENNIFER A LOMBARD, 0000  
 CHRISTOPH W LONGSTAFF, 0000  
 IRMA LOPEZ, 0000  
 MICHAEL S LORENCE, 0000  
 DARRYL R LORICK, 0000  
 BRUNO M LOURENCO, 0000  
 DAVID S LOWERY, 0000  
 BRIAN M LUCERO, 0000  
 THOMAS E LUKE, 0000  
 WILLIAM N LUKESH, 0000  
 CHARLES A LUMPKIN, 0000  
 JOHN M LUND, 0000  
 JONATHAN R LUNDY, 0000  
 CUONG Q LUONG, 0000  
 ROBERT P LYNCH, 0000  
 SCOTT C MACINTIRE, 0000  
 JONATHAN R MACKIN, 0000  
 RUBEN P MADRID, 0000  
 DAYMOND W MAGNESS, 0000  
 TODD E MAHAR, 0000  
 JOHN P MAHER, 0000  
 TIMOTHY D MAHONEY, 0000  
 DANA J MAKIEWICZ, 0000  
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 WILLIAM E MALISCH, 0000  
 BRIAN R MANIFOR, 0000  
 DAVID L MANKA, 0000  
 AMILLITA P MARAYAG, 0000  
 KJELL D MARCUSSEN, 0000  
 TRENT M MARCZ, 0000  
 PHILIP M MARLASON, 0000  
 JENNIFER L MARINO, 0000  
 HOWARD G MARIOTT II, 0000  
 SCOTT I MARKER, 0000  
 JODI T MARONEY, 0000  
 NOAH C MARQUARDT, 0000  
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 ALBERTO MARTINEZDIAZ, 0000  
 NATHAN S MARVEL, 0000  
 SHANNON J MASSIE, 0000  
 MICHAEL F MASTRI, 0000  
 ARTHUR W MATSON IV, 0000  
 JEFFREY S MATTOON, 0000  
 RICARDO MATUS, 0000  
 CORY J MAUKONEN, 0000  
 TIMOTHY R MAYER, 0000  
 SCOTT D MCARTHUR, 0000  
 JOHN S MCCALMONT, 0000  
 ZACHARY A MCCARLEY, 0000  
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 THOMAS M MCDERMOTT, 0000  
 FREDERICK J MCELMAN, 0000  
 MARK J MCGRATH, 0000  
 ERIN K MCHALE, 0000  
 MATTHEW C MCHORRIS, 0000  
 JASON A MCHUEN, 0000  
 JOHN J MCKENNA IV, 0000  
 PHILIP G MCKENZIE, 0000

NOWELL C MCKNIGHT, 0000  
 TIMOTHY A MCLEAN, 0000  
 DARRREN J MCMAHON, 0000  
 PATRICK F MCMONIGLE, 0000  
 ANTHONY F MCNAIR, 0000  
 BLAINE A MCSHALL JR., 0000  
 JIM A MCSHEA, 0000  
 JOHN G MEDLIN, 0000  
 RICHARD S MEIKLEJOHN, 0000  
 ALVARO J MELENDEZ, 0000  
 ROBERT K MERHIGE II, 0000  
 MATTHEW J MERRILL, 0000  
 TOBY E MERRILL, 0000  
 BRADLEY E MEYER, 0000  
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 JANET R MEYER, 0000  
 DERYL D MICHAEL, 0000  
 SETH R MICHAUD, 0000  
 ANTHONY D MICHEL, 0000  
 BRIAN S MIDDLETON, 0000  
 JASON Z MILLER, 0000  
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 WILLIAM B MILLETT III, 0000  
 CONRAD MILNE, 0000  
 MAREK MIROWICZ, 0000  
 ANDREW S MISENHEIMER, 0000  
 MARIE MITCHAM, 0000  
 ANTHONY R MITCHELL II, 0000  
 JASON B MITCHELL, 0000  
 KEITH R MITCHELL, 0000  
 JASON A MITZEL, 0000  
 JOSEPH A MLAKAR, 0000  
 JOHN A MODER, 0000  
 AMRO MOHAMMED, 0000  
 RICHARD M MOHR, 0000  
 GREGORY R MOHRMAN, 0000  
 BOOZ M MOISE, 0000  
 ANDREW M MOLLO, 0000  
 DAVID J MONAREK, 0000  
 KEVIN B MOODY, 0000  
 BRIAN K MOORE, 0000  
 ROY W MOORE, 0000  
 BALTAZAR MORA JR., 0000  
 EDWARD J MORALES, 0000  
 JOHN A MORETTI, 0000  
 DANIEL J MORFITT, 0000  
 RYAN M MORNING, 0000  
 HANS W MORRIS, 0000  
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 JESSICA J MULLEN, 0000  
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 LINA M MYERS, 0000  
 SCOTT A MYERS, 0000  
 STEPHEN J NAGEL, 0000  
 SHANE A NALEN, 0000  
 WINSOME A NANDRAM, 0000  
 NOAH F NARUT, 0000  
 PATRICK J NASH, 0000  
 JUAN M NAVARRO, 0000  
 KATHRYN M NAVIN, 0000  
 ADAM C NAZARIO, 0000  
 ANDREW R NEEDLES, 0000  
 ANDREW E NELSON, 0000  
 ERIC S NELSON, 0000  
 FREDERICK D NELSON, 0000  
 OSCAR D NELSON JR., 0000  
 PATRICK NELSON, 0000  
 MICHAEL C NESBITT, 0000  
 GARY L NEWTON JR., 0000  
 REBECCA L NEWTON, 0000  
 JOHN A NGUYEN, 0000  
 QUAN M NGUYEN, 0000  
 LAWRENCE D NICHOLS, 0000  
 MAURICIO NIETO, 0000  
 CARLO A NINO, 0000  
 JAMES M NIXON, 0000  
 ANDREW T NOBLETT, 0000  
 JOHN K NORRIS JR., 0000  
 DAVID K NORTON, 0000  
 JAMES R NOTT, 0000  
 JOSEPH C NOVARI, 0000  
 JESUS M NOVERAS JR., 0000  
 OWEN J NUCCI, 0000  
 CHARLES M NUNALLY III, 0000  
 KEITH G NUNN, 0000  
 TIMOTHY N NUTTER, 0000  
 KHOA M NUYEN, 0000  
 BARTON B OBRIEN, 0000  
 STEPHEN M OBRIEN, 0000  
 OSCAR A OCHOA, 0000  
 RYAN P O'CONNER, 0000  
 BRENDAN P O'DONNELL, 0000  
 JASON P OFSANKO, 0000  
 MICHAEL E OGDEN, 0000  
 JAMES L OGLETREE, 0000  
 JONATHAN M OGORMAN, 0000  
 KRISTOPHER J OGRADY, 0000  
 PHILIP T OHARA, 0000  
 MICHAEL P OHLEGER JR., 0000  
 SUSAN C OLEARY, 0000  
 RAMIN M OLSON, 0000  
 ROGELIO S OREGON, 0000  
 JASON B ORMSBY, 0000  
 MIGUEL A ORTIZ JR., 0000

DEREK S OST, 0000  
 ANDREW M OTERO, 0000  
 KET'YA OUK, 0000  
 JULIAN M OWEN, 0000  
 DUSTIN M OWENS, 0000  
 WILLIAM C PACATTE, 0000  
 GREGORY B PACE, 0000  
 JASON F PACE, 0000  
 PETER PACE, 0000  
 DAVID L PADILLA, 0000  
 MICHAEL B PAGE, 0000  
 DAVID C PALM, 0000  
 DAVID W PALMER, 0000  
 MICHAEL C PALMER, 0000  
 MATTHEW P PALMISCIANO, 0000  
 GEORGE N PAPPAS JR., 0000  
 WILLIAM J PARKER, 0000  
 BURRELL D PARKER, 0000  
 BENJAMIN B PASSYN, 0000  
 ADAM M PASTOR, 0000  
 BRYANT J PATER, 0000  
 MATTHEW W PATMON, 0000  
 EARL H PATTERSON V, 0000  
 ROBERT A PATTERSON, 0000  
 VICTORIAN F PAULSON, 0000  
 GREGORY J PAWSON, 0000  
 DAVID N PAYNE, 0000  
 CHRISTOPHER W PEHRSON, 0000  
 JANAKA P PERERA, 0000  
 BRIAN M PEREZ, 0000  
 JOSE A PEREZ, 0000  
 CHRISTOPHER J PERSON, 0000  
 CHRISTINA PETERS, 0000  
 JON C PETERSEN, 0000  
 JUSTIN D PETERSON, 0000  
 JAMES M PETTORINI, 0000  
 ROBERT PHELAN, 0000  
 KENNETH W PHELPS III, 0000  
 LINDA D PHILIPP, 0000  
 JOHN B PHILLIPS III, 0000  
 TYLER L PHILIPS, 0000  
 CHARLES A PICKETT III, 0000  
 JOSHUA M PIECZONKA, 0000  
 TODD A PILLO, 0000  
 CHRISTOPHER A PIMENTEL, 0000  
 NELSON M PINGUELO, 0000  
 ADAM W PITNEY, 0000  
 JHONNY A POLANCO, 0000  
 STEPHANIE M POLESNAK, 0000  
 CASEY J POLKINGHORNE, 0000  
 DONALD H PORTER III, 0000  
 LIONEL PORTER, 0000  
 NEIL C POTTS, 0000  
 DONATO S POWELL, 0000  
 MONTE S POWELL, 0000  
 EDWARD W POWERS, 0000  
 MICHAEL J POWERS, 0000  
 IAN M PRATER, 0000  
 RICHARD M PRICE, 0000  
 RYAN T PRINCE, 0000  
 CHRISTOPHER D PRITCHETT, 0000  
 ANDREW C PRITZ, 0000  
 DONN E PUCA, 0000  
 MARK J PUHALY, 0000  
 JEFFREY A PULSKAMP, 0000  
 ERIC D PURCELL, 0000  
 ANDREW J PUSHART, 0000  
 AARON M PUTTROFF, 0000  
 JASON T QUICK, 0000  
 MICHAEL C RAINWATER, 0000  
 BERT RAKDHAM, 0000  
 BRADLEY A RAKOV, 0000  
 BERNARD C RAMEY, 0000  
 DAVID RAMIREZ, 0000  
 GARRETT S RAMPULLA, 0000  
 GARRETT V RANDEL III, 0000  
 CLIFTON RANDOLPH JR., 0000  
 BILLIE RANKIN, 0000  
 PATRICK M RAPICAULT, 0000  
 MICHAEL P RATHS, 0000  
 GREGORY A RATZLAFF, 0000  
 CHRISTOPHER P RAY, 0000  
 KEVIN J RAY, 0000  
 CHARLES C READINGER, 0000  
 SCOTT M REED, 0000  
 RONALD J REGA JR., 0000  
 EILEEN M REGAN, 0000  
 HOPE M REHM, 0000  
 CHRISTOPHER J REHWALDT, 0000  
 JOHN M REID, 0000  
 CHRISTY L REIDSMA, 0000  
 MICHAEL K REITAN, 0000  
 JAMISON M RENAUX, 0000  
 ROEL C RESPECTA, 0000  
 JAVIER A REYES, 0000  
 ROGELIO REYES, 0000  
 ROSALINA B REYES, 0000  
 JASON E REYNOLDS, 0000  
 STEPHEN M RHODEN, 0000  
 ROBERT M RICH, 0000  
 JAMES J RICHARDS, 0000  
 EARL O RICHARDSON, 0000  
 GREGORY P RICHMOND, 0000  
 JOHN C RICKETTS JR., 0000  
 MICHAEL D RIDLEY, 0000  
 JONATHAN L RIGGS, 0000  
 JOSEPH P RILEY, 0000  
 KAREN V RILEY, 0000  
 JOHN H RINALDI II, 0000  
 BRIAN C RIORDAN, 0000  
 GREGORY J RIVALDI, 0000  
 DUANE T RIVERA, 0000  
 JUAN A RIVERA, 0000  
 AMY C RIVINIUS, 0000  
 DONALD L ROBINS III, 0000  
 CHRISTOPHER D ROBERSON, 0000  
 KENNETH S ROBERTSON, 0000

TIMOTHY E ROBERTSON, 0000  
 REBECCA B ROBISONCHANDLER, 0000  
 FRANCISCO RODRIGUEZ, 0000  
 JUAN C RODRIGUEZ, 0000  
 PARKER O ROE, 0000  
 CHARLES E ROELL JR., 0000  
 CHRISTOPHER W ROGERS, 0000  
 JACQUES A ROGERS, 0000  
 ZACHARY ROGERS, 0000  
 BRIAN A ROLF, 0000  
 TODD A ROMANO, 0000  
 ALEXIS L ROMINGER, 0000  
 GREGORY S ROOKER, 0000  
 BRIAN J ROONEY, 0000  
 CLYMOUTH S ROOS, 0000  
 JOSHUA J ROOTS, 0000  
 PATRICIA A RUF, 0000  
 JOSEPH A RUFF, 0000  
 JASON S RUFFIN, 0000  
 RICHARD M RUSNOK, 0000  
 SAMUEL P RUSSELL, 0000  
 SHEREL L RYAN, 0000  
 JONATHAN Y SABADO, 0000  
 ALLAN R SABOL, 0000  
 MARK J SACCO, 0000  
 MARK D SADOWSKY, 0000  
 MARK SAENZ, 0000  
 DEAN O SAMANIEGO, 0000  
 AARON C SAMSEL, 0000  
 BRIAN K SANCHEZ, 0000  
 DANIEL J SANCHEZ JR., 0000  
 LUIS A SANCHEZ, 0000  
 JOHN N SAND, 0000  
 BRADLEY G SANDERS, 0000  
 CRAIG E SCHAFFNER, 0000  
 JOEL I SCHARLAT, 0000  
 CHRISTOPHER D SCHEIDLER, 0000  
 ERIC S SCHEIN, 0000  
 TROY J SCHILLINGER, 0000  
 KURT A SCHMIDHAMER, 0000  
 THOMAS J SCHMIDT III, 0000  
 JOSEPH D SCHNELLER, 0000  
 DANIEL W SCHNICK, 0000  
 FORREST G SCHOENING, 0000  
 JARROD W SCHOFFLER, 0000  
 RAYMOND J SCHOLL, 0000  
 WILLIAM J SCHRANTZ, 0000  
 DAVID A SCHREINER, 0000  
 JOHN M SCHRODER, 0000  
 STEPHEN K SCHULTZ, 0000  
 FRANKLIN J SCHWARZERII, 0000  
 JOHN S SCHWEIGER, 0000  
 JOHN H SCHWETTZER, 0000  
 ERIC W SCHWETHELM, 0000  
 LOUIS SCIRRI JR., 0000  
 ANTONIO SCOFFIELD, 0000  
 KEVIN W SCOTT, 0000  
 RYAN E SCOTT, 0000  
 CHAD W SEAGREN, 0000  
 GEORGE J SEEGEL, 0000  
 DOUGLAS A SEICH, 0000  
 MICHAEL B SEIFER, 0000  
 JAMES R SEMMENS, 0000  
 MARISA P SERANO, 0000  
 CORY M SHACKELTON, 0000  
 RYAN E SHADLE, 0000  
 SHANNON M SHEA, 0000  
 JUDE C SHELL, 0000  
 TAMIKO A SHIBATA, 0000  
 KASEY C SHIDEL, 0000  
 DAVID A SHOOK, 0000  
 BRIAN A SHOTTENKIRK, 0000  
 GRANT R SHOTTENKIRK, 0000  
 ANDREW J SHRIVER, 0000  
 SCOTT M SHUSTER, 0000  
 JED L SIACOR, 0000  
 JEREMY W SIEGEL, 0000  
 JACK A SILE, 0000  
 EDWARD J SILVA, 0000  
 FRANCISCO R SILVERIO, 0000  
 GUY J SILVESTRI, 0000  
 SCOTT P SILVIA, 0000  
 KEVIN D SIMMONS, 0000  
 JONATHAN N SIMS, 0000  
 ALAN R SINGLETON II, 0000  
 JOHN P SKUTCH, 0000  
 NOAH S SLEMP, 0000  
 STEPHEN K SLOAN, 0000  
 BRIAN B SMALLEY, 0000  
 CRAIG L SMITH, 0000  
 DANIEL T SMITH, 0000  
 ERIK J SMITH, 0000  
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 JONATHAN R SMITH, 0000  
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 MICHAEL S SMITH, 0000  
 THOMAS D SMOLENSKI, 0000  
 JAMES C SMYTHE, 0000  
 DEREK M SNELL, 0000  
 ADAM T SNOW, 0000  
 ALEXANDER H SNOWDEN, 0000  
 MELISSA E SOLEY, 0000  
 KURT SOMMERHOFF, 0000  
 LISA M SOUDERS, 0000  
 TROYL L SPELLS, 0000  
 SAMAR K SPINELLI, 0000  
 TONALD E SPINKS, 0000  
 JONATHAN W SPITZER, 0000  
 JENNIFER R SPOONER, 0000  
 BRYAN C SPRANKLE, 0000

NICHOLAS R SPURGEON, 0000  
 WILLIAM T STANN, 0000  
 SUSAN A STARK, 0000  
 CHRISTA A STARR, 0000  
 MATTHEW I STARSIAK, 0000  
 CHRISTOPHER M STEGGE, 0000  
 KIM A STEINPORT, 0000  
 MATTHEW R STENCEL, 0000  
 DAVID R STENGIRIM, 0000  
 JOHN J STEPHENS, 0000  
 WILLIAM G STEUBER, 0000  
 DAMON A STEVENS, 0000  
 DIETER C STEVENS, 0000  
 IAN D STEVENS, 0000  
 JADE STEWARDCAMPBELL, 0000  
 MARK N STEWART, 0000  
 MATTHEW J STEWART, 0000  
 JAMES D STINEBAUGH, 0000  
 DAVID J STJOHN JR., 0000  
 BRUCE J STOFFOLANO, 0000  
 JONATHAN M STOFKA, 0000  
 JAMES R STOVER, 0000  
 LARS E STRANDBERG, 0000  
 DANIEL A STRELKAUSKAS, 0000  
 JARRET P STRICKER, 0000  
 JEFFREY R STROHMAIER, 0000  
 ERIC A STRONG, 0000  
 MICHAEL J STUDENKA, 0000  
 NATHANIEL B STUSSE, 0000  
 MARY K SULLIVAN, 0000  
 GREGORY J SUMMA, 0000  
 ANTHONY K SUTTON, 0000  
 DWAYNE S SUWA, 0000  
 AARON T SWANN, 0000  
 BRIAN J SWANSON, 0000  
 BRAD E SWEARINGIN, 0000  
 BENJAMIN A SWENSON, 0000  
 JANET D SWIFT, 0000  
 TYLER B SWISHER, 0000  
 DANIEL J TAMBURELLO, 0000  
 JOSEPH C TAMMINEN, 0000  
 JAMES S TANIS, 0000  
 AIMEE C TANNER, 0000  
 JAMES R TAYLOR, 0000  
 KEITH W TAYLOR, 0000  
 ROBERT E TAYLOR, 0000  
 THOMAS N TAYLOR, 0000  
 WILLIAM A TAYLOR, 0000  
 PAUL C TEACHEY, 0000  
 JOSE J TEE, 0000  
 JEFFREY B TENNEN, 0000  
 MARCUS B TESSIER, 0000  
 TIMOTHY M THEERMAN, 0000  
 ANDREW C THOMAS, 0000  
 DOUGLAS T THOMAS, 0000  
 HARRY F THOMAS JR., 0000  
 JESSE C THOMAS JR., 0000  
 ROGER N THOMAS, 0000  
 GARY D THOMPSON, 0000  
 LESTER W THOMPSON, 0000  
 SUZAN F THOMPSON, 0000  
 DOUGLAS M THUMM, 0000  
 LARRY L THWEATT JR., 0000  
 JAYSON M TIGER, 0000  
 DAMIAN J TODD, 0000  
 ELIZABETH F TOMKO, 0000  
 SCOTT M TOMLINSON, 0000  
 BYRON J TORKE, 0000  
 HERNAN TORRES, 0000  
 RENE TORRES, 0000  
 JONATHAN E TOWLE, 0000  
 MICHAEL R TRAA, 0000  
 DAI Q TRAN, 0000  
 DANIEL M TRAYWICK, 0000  
 MICHAEL T TRENERVY, 0000  
 RENE TREVINO, 0000  
 MINH T TRINH, 0000  
 JOY M TRIPLETT, 0000  
 ROBERT S TRZCINSKI, 0000  
 MATTHEW A TUMINELLA, 0000  
 JAMES D TURNER III, 0000  
 RANDALL G TURNER, 0000  
 JOSHUA B TUTTLE, 0000  
 MICHAEL W TYRA, 0000  
 JORGE L VALDEZ II, 0000  
 THEODORE F VANBRUNT, 0000  
 ANTHONY G VANCE, 0000  
 AARON B VANDERBURG, 0000  
 RONALD B VANDERVELDE, 0000  
 JASON K VANMETER, 0000  
 FRANCISCO J VELASCO, 0000  
 RANDY J VELEZ, 0000  
 RICHARD A VICZOREK, 0000  
 BRIAN M VOGEL, 0000  
 RYAN J VOJIR, 0000  
 DAVID R VOYLES, 0000  
 BENJAMIN M WAGNER, 0000  
 GILES D WALGER, 0000  
 CURTIS L WALKER JR., 0000  
 DAVID W WALKER, 0000  
 LEN E WALKER, 0000  
 MATTHEW L WALKER, 0000  
 BRADLEY E WALTERS, 0000  
 MELVILLE J WALTERS IV, 0000  
 NANCY R WALTERS, 0000  
 CHAD D WALTON, 0000  
 LARRY R WARFIELD II, 0000  
 ELIZABETH A WARLOCK, 0000  
 JAYSEN N WARNER, 0000  
 RYAN B WARREN, 0000  
 TIMOTHY J WATKINS, 0000  
 CHRISTOPHER B WATSON, 0000

DEREK E WATSON, 0000  
 LARRY J WAYE, 0000  
 STEVEN A WEATHERHEAD, 0000  
 MICHAEL E WEBB, 0000  
 MARK E WEBBER, 0000  
 JASON M WEBER, 0000  
 LEE M WEINER, 0000  
 PATRICK WEINERT, 0000  
 OLGIERD J WEISS III, 0000  
 MICHAEL K WENDLER, 0000  
 LAWRENCE H WENTZELL, 0000  
 GREGORY C WERNLI, 0000  
 JASON M WEST, 0000  
 MICHAEL E WESTON, 0000  
 ROBERT F WHALEN, 0000  
 SHUNSEE J WHEELER, 0000  
 LLOYD H WHITE JR., 0000  
 DANA P WHITMER, 0000  
 BRENDAN R WHITWORTH, 0000  
 JOHNNY J WIDENER, 0000  
 GARY W WILDS, 0000  
 ALISA C WILES, 0000  
 SCOTT E WILLETTTE, 0000  
 ANDRE L WILLIAMS, 0000  
 HILARY H WILLIAMS, 0000  
 JAMES L WILLIAMS JR., 0000  
 JOHN H WILLIAMS III, 0000  
 MARLIN D WILLIAMS, 0000  
 RIVERA L WILLIAMS, 0000  
 SHAWN E WILLIAMS, 0000  
 STEPHEN J WILLIAMS, 0000  
 CARROLL S WILLIAMSON, 0000  
 DEANGELO M WILLIS, 0000  
 KRISTY A WILLS, 0000  
 ANDREW B WILSON, 0000  
 ANDREW S WILSON, 0000  
 BENJAMIN F WILSON IV, 0000  
 JIMMY J WILSON, 0000  
 JON T WILSON, 0000  
 PRESCOTT N WILSON, 0000  
 SEAN A WILSON, 0000  
 JASON M WINTERMUTE, 0000  
 JEREMY S WINTERS, 0000  
 RONALD P WISDOM, 0000  
 ANGELA B WISSMAN, 0000  
 BRYAN K WITTMER, 0000  
 HOWARD H WOLFE III, 0000  
 BARIAN A WOODWARD, 0000  
 GARNETT H WOODY, 0000  
 LARRY C WOOTEN JR., 0000  
 BENJAMIN H WORKING, 0000  
 DAVID F WORKMAN, 0000  
 AARON T WRIGHT, 0000  
 DAVID K WRIGHT, 0000  
 KEVIN E WYKERT, 0000  
 MICHAEL J WYNN, 0000  
 MARK A YACKLEY, 0000  
 PRASSERTH YANG, 0000  
 MICHAEL R YEARGAN, 0000  
 TAMMIE S YEATS, 0000  
 TODD E YEATS, 0000  
 JOHN E YORIO, 0000  
 KEVIN M YORK, 0000  
 LEE A YORK, 0000  
 JEROME W YOUNG, 0000  
 MATTHEW B YOUNGER, 0000  
 FRANCIS G ZAMORA, 0000  
 MARK W ZANOLLI, 0000  
 ROYCE D ZANT III, 0000  
 SCOTT A ZELESNIKAR, 0000  
 SEAN P ZICKERT, 0000  
 CARL M ZIEGLER, 0000  
 KEVIN J ZIMMERMAN, 0000  
 SCOTT W ZIMMERMAN, 0000  
 ALEXANDER E ZUCHMAN, 0000  
 JOSEPH J ZWILLER, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant*

CHRISTOPHER M. RODRIGUES, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

#### *To be lieutenant commander*

ROGER T BANKS, 0000  
 TODD A BRAYNARD, 0000  
 LINDA E CRAUGH, 0000  
 RICHARD R DANIELS, 0000  
 DEARCY P DAVIS IV, 0000  
 CHRISTOPHER P DEGREORY, 0000  
 MATTHEW S ELLIA, 0000  
 ROBERT D FIGGS, 0000  
 RICHARD W KOENIG, 0000  
 GREGORY P LIED, 0000  
 BRUCE A MARTIN, 0000  
 MATTHEW M MCGONIGLE, 0000  
 DUNCAN L PRESTON, 0000  
 RICHARD G RHINEHART, 0000  
 MARK W SCHMALL, 0000  
 RONALD W TOLAND JR., 0000  
 MARK E WARNER, 0000  
 CHARLES W WEBB, 0000  
 CARL ZEIGLER, 0000